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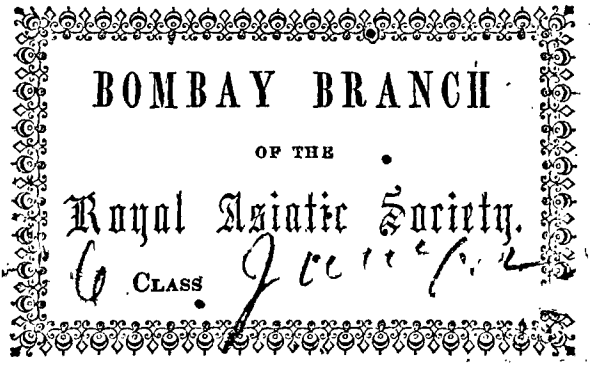

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THE

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THE

HISTORY OF ROME.

BY

WILHELM IHNE.

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PREFACE.

In the present volume the history of republican Rome is brought to an end. What follows is the process of transition to a monarchical form of government. The history of the Empire properly begins with the dictatorship of Sulla. Hence Dean Merivale, in his 'History of the Romans under the Empire,' very properly makes the death of Sulla his starting-point. Having reached this point, I propose, for the present, to stop. If I undertake to write more, it will be a distinct work.

The great difficulty which an historian of Rome has to contend with is the fragmentary condition and the untrustworthy character of the sources. This is due in the earlier period to the absence of literary culture in Rome, and in the later to the unfortunate circumstance that when at last literature began to be cultivated, and numerous annalists undertook to record the traditions of the past and the reports of current events, almost all of these extensive historical works were swept away, leaving nothing behind but a few incoherent fragments and second-hand compilations.

Thus the number of questions to which we cannot give an answer is deplorably great, and we have, moreover, the uneasy feeling that much of what is accepted as true and unimpeachable only appears so because we happen to

have no independent contradictory statements, and are therefore not entitled to reject reports, though they may seem from internal evidence to be open to the most serious doubts. This refers to all, and even the best-attested, facts in the history of Rome. But when we examine the claim of the earlier period to be treated as historical, we are forced to admit that a considerable portion of it, which was allowed to pass on a first investigation, fails to stand the test of a repeated criticism. People are very differently organized with regard to their power of believing and doubting statements. Mankind may be divided into two classes, the credulous and the sceptical. In itself credulity is as dangerous as scepticism to historical truth. To believe everything because it is put down by an ancient writer, whatever may be its absurdity, or however irreconcilable it may be with physical or moral laws, however contradictory to other statements of the same or other writers, is as bad as to reject statements unless they are attested by evidence sufficient to convince a jury in a criminal trial. If the latter claim were made, we should be obliged to give up the task of writing history, at least of writing ancient history; we should have to acquiesce in the saying that all so-called history is a *fable convenue*. On the other hand, if uncritical credulity were again to gain the ascendency which it possessed before the rise of the spirit of modern criticism, we should waste time and labour on solemn trifles, utterly worthless or even injurious.

I have tried to avoid the two extremes. Whether I have always succeeded, it is not for me to say.

After ascertaining the facts of history we approach the more delicate task of appreciating the political and moral principles by which individual men and whole nations were actuated. There is a class of historians and critics who object to pronouncing a judgment of men and events.

They would confine history to a simple narrative of events, without comment or even the expression of assenting or dissenting feelings. This has been called objective history, and it has been commended as history written 'sine ira et studio.' I do not profess to have aimed at such an ideal, nor do I think that those who can write history without having their feelings engaged on one or the other side can be true historians. A man incapable of feeling sympathy or aversion should not deal with the investigation, certainly not with the delineation, of the acts of moral agents. He may be fit to examine and describe stones, flowers, or acids, he may solve mathematical problems, but not the great moral problems which are presented by the actions of men. And indeed experience shows that only those histories are productive of deep and lasting effects which glow with the moral warmth of the writer. Tacitus himself, who emphatically disclaims partisanship, owes his great success to the intense hatred of tyranny with which he contrives to inspire his reader.

I have not been able or willing to assume the attitude of perfect indifference as to the spirit and character of individual and national morality. I have not aimed at painting in those neutral tints which, if they do not give the wrong colours, cannot give the right colours either. But I have tried to aspire to that which is the highest and the most difficult virtue of an historian, impartiality—an impartiality which does not shrink from pronouncing judgment, but which guides the judge, even in passing sentence, to a just discrimination between right and wrong.

Yet I have been charged with a bias unfavourable to Rome. Surely it would be strange for a man to devote years of patient study and severe labour to a subject, if he were not inspired with a certain degree of enthusiasm for it. The general tendency of writers has been to exalt

unduly the subject with which they deal. Biographers have too frequently been panegyrists. It is therefore not likely that any man would set about writing an elaborate history of Rome, if he were not a warm admirer of the Roman people in the main. I profess myself to be one, and I have given ample proof in many parts of my work that I have the highest respect for Roman patriotism, firmness, courage, earnestness, self-devotion, perseverance, prudence, for Roman dignity and manliness, in fact for all the virtues which may be called specifically Roman.

But I do not think that the historian of a special nation must needs be a special pleader who is retained to say everything that can be said in favour, and to conceal or colour all that can in any way prejudice his client. I have not felt bound to palliate faults, to explain away errors, to justify acts of cruelty or treachery, still less to heap accusations, sarcasm, depreciation, and contempt upon all the enemies of Rome. I never thought that in writing the history of Rome I must by the nature of my task revile either Carthaginians or Greeks. On the contrary, I have the more endeavoured to say what justice demands in their favour, because the Roman historians have had the ear of the world, and have silenced all the voices that could bear witness opposed to their own. The character of the Roman annalists for veracity does not stand high, least of all where personal or national pride guided their pens. I have considered it my duty, in many instances, to point out their failings and to correct their errors. In this criticism I may have erred, but I have not erred from a preconceived feeling of hostility to the great nation whose history I have tried to write.

It is, perhaps, not too much to say that the history of the ancient world, both Greek and Roman, has only in our own time begun to be understood and to be duly appreciated. The principles of historical criticism to be applied

to the evidences date from the early part of the present century. They, however, affect only the outward network of data on which the narrative must proceed. Far more important is the correct appreciation of the institutions of antiquity, of the organization of society, of the notions entertained by the ancients of morality and religion. There was a time when almost everything that came from antiquity was indiscriminately admired, and with a kind of superstitious awe upheld as a masterpiece, were it a work of art, a political institution, or a philosophical doctrine. The great men of antiquity were talked of as unattainable models for military excellence or political virtue. Plutarch's heroes were all a sort of demigods; the ancient republics were ideal states of society, from which mankind had degenerated so far, that improvement could be expected only from a gradual return to the great prototypes. In the frenzy of the revolutionary fever in France the Roman consuls and senators, the tribunes and the Roman plebiscites were mimicked even with the togas and the curule chairs, while Harmodius and Aristogeiton, Brutus and Cato, were glorified as the types of republican virtue. This time of a childish worship of false idols has passed away. We have begun to look more coolly into the history of antiquity, and we find that not everything was so organized as to insure the happiness of the greatest number of human beings.

It is especially the admirers of republican institutions who have been sobered in this estimate of the blessings to be expected from such forms of government. Whilst the equality of all the citizens in the democracies of antiquity used to be extolled, it was generally forgotten that many, nay, sometimes a majority, of the population, far from enjoying the privileges of citizens, had no rights whatever, and were treated as private property. The institution of slavery was kept out of sight by the

admirers of antiquity, and yet this institution alone suffices to condemn the whole structure of their social and political life. It was at the root of all the evils which affected the family and the State, and it made the maladies from which they suffered incurable.

Another feature of ancient society which was generally overlooked or passed by without due attention was the frightful severity of the rights of war. The ruthless treatment of a vanquished enemy, the killing of prisoners, the enslaving of men, women, and children, nay the extermination of obnoxious populations, were perfectly in accordance with the prevailing customs and sentiments, and in fact grew from the same root which produced slavery. The conviction had not yet dawned in the minds of men, that there were rights to be respected, even beyond the pale of their own political community, in persons belonging to another.

But even within each body of citizens we find that the rights of individuals were far from being so secured as to justify our wish to possess institutions similar to those in which law was administered in Greece or Rome.

In the popular assemblies which decided criminal prosecutions, justice was never emancipated from political party spirit; and all the attempts made in Rome during the republican period to create a body of independent and impartial judges resulted in ignominious failure.

It is not necessary here to go into every department of public life to prove the great difference and the great superiority of political institutions of our own time over those of the ancient republics. I have directed attention to it wherever an opportunity offered. But I am far from making it a charge against the people and statesmen of Rome, that they were not so wise as the experience of many ages has made us. No nation can rise much above a general level of enlightenment common to a given age,

or anticipate the civilisation of a far-distant future. The Romans performed their task successfully; they established a commonwealth which, by preserving internal order and military discipline, proved itself superior to all the other states of antiquity, and rose to the command of the whole ancient world. This is their indelible title to greatness, which every historian must and will acknowledge. It is the absolute and unqualified praise given to them, even in comparison with modern times, that must be deprecated as both undeserved and injurious.

If we would learn practical lessons from history, we ought to be particularly on our guard in our comparisons of the past with the present. For this reason, and not with a view of depreciating Roman institutions, I have pointed out what appears defective and faulty in the grand fabric of the Roman constitution.

In concluding my work and this preface I wish to express my grateful sense of the obligations I am under to the Rev. Sir George W. Cox, Bart., who has from first to last assisted me with his valuable advice and help.

W. IHNE.

VILLA FELSECK, near HEIDELBERG:
January 14, 1882.

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SEVENTH BOOK.

EXPANSION OF THE REPUBLIC INTO AN EMPIRE

(*Continued*).

CHAPTER VII.

THE ARISTOCRATIC REACTION AFTER THE GRACCHI.

Moderation of the victorious party.

If we consider with what animosity and violence C. Gracchus had attacked the nobility, we shall have to confess that the victory of the latter was used with comparative moderation and mildness. The leaders of the democratic movement, and those who had with armed force resisted the government, were of course punished, and in their punishment acts of severity, revenge, and cruelty would certainly occur. But the victorious party was far from abusing their triumph, as was the practice in the revolutions of Greek cities and became customary afterwards in Rome. They aimed neither at the utter destruction of their defeated enemies by death or exile, nor even at a total and immediate repeal of the hateful innovations. On the contrary they followed the precedent observed after the death of Tiberius Gracchus. Just as on that occasion the agrarian law was allowed to remain unrepealed, and the adherents of the democratic party were not subjected to indiscriminate persecution, so at present the validity of the laws of Caius Gracchus was not called in question, nor was an attempt made to extirpate the democratic party.

Complete failure of the schemes of C. Gracchus.

Nevertheless the victory of the optimates was not the less fruitful of results because they went to work with prudence and caution. They could hardly give offence by quietly dropping the execution of the popular proposals of Livius Drusus. These proposals had served their turn by weakening the popularity of Caius Gracchus. They had never passed beyond the preliminary stage of public discussion. The case was different with regard to the

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colonies which C. Gracchus had proposed to establish at Tarentum, Capua, and other places in Italy. It appears that at least some of these new settlements were already being made.[1] This was also the case with the new colony of Junonia on the site of Carthage, which C. Gracchus had had so much at heart, that he had himself gone to Africa to start it. The establishment of all these colonies was now interrupted, but it appears that the assignments of land which had been made were ratified.[2] Soon after 121 B.C. one of the most essential provisions of the agrarian law of Gracchus was repealed, the prohibition of selling lands assigned by the commissioners. By this prohibition Gracchus had hoped to secure to the peasantry established by him the prospect of a durable settlement. He thought he could compel by law the new owners of land to remain on their allotments, even if they preferred to abandon them. As we have already remarked,[3] the agrarian law itself is condemned by this compulsion. A peasantry restrained and forced to cultivate the land against their will, because the law does not allow the alienation of it, was not a free peasantry, but bound to the soil like serfs, and would not have been a gain for Italy. It was quite natural that many of the Roman proletarians felt very uncomfortable, when they found themselves turned into peasants, and that they were fain to seize the first opportunity for getting rid of their new possession, which was to them only an encumbrance. The prohibition of selling their own might turn into a burden what was intended to be a benefit. This grievance was removed by a law, which soon after the death of C. Gracchus made it lawful to alienate lands assigned under the provisions of the agrarian law.[4] Under the pretext of giving relief to the peasants, this repeal of a restrictive clause by facilitating the transfer of land enabled the great landowners to resume their practice of buying up the smaller estates, and it again exposed the poor

[1] Velleius, i. 15.
[2] *Corp. Inscript. Lat.* i. p. 83, c. 59, 60.
[3] Vol. iv. p. 386.
[4] Appian, *Bell. Civ.*, 27

farmers to the iniquitous practices of chicanery, fraud, and violence, to which so many of them had fallen victims already. The fair vision which the Gracchi had had of a numerous independent peasantry vanished into air.[1]

Trial of L. Opimius.

About the same time, probably in the year 120 B.C., an accusation was brought by the tribune Q. Decius[2] against Lucius Opimius, who as consul in the preceding year had put down the riot, and on this occasion had, contrary to established law, put to death Roman citizens without trial by the people. This accusation seems to indicate a revival of the popular agitation, barely suppressed by force; for it was an attack directed against the leading man of the nobility. But upon a closer inspection it turns out to

[1] I suspect that about this time a law was carried that no rogation should be brought before the people without being previously sanctioned by the senate. In practice this had always been the rule, and it might have been contended that it was unconstitutional to disregard the practice. But some instances had occurred which showed that the practice had not grown into an acknowledged legal maxim. The first known case was that of the agrarian law of C. Flaminius, in 223 B.C., which was carried in opposition to the senate, and consequently without the approval and recommendation of a previous senatus consultum (vol. ii. p. 126). The elder Scipio, in 205 B.C., had threatened to act contrary to the senate's instruction, and to apply to the people direct for permission to carry the war into Africa. He was restrained from doing so only by a compromise (vol. ii. p. 417). After this time the nobility ruled unopposed. Nobody dreamt of deviating from the usual practice, and of bringing administrative or legislative measures before the people without the authorisation of the senate. The Gracchi were the first to break through this rule systematically. They ignored the senate altogether, and treated directly with the people, showing a supreme contempt of constitutional practice, and even law; for the deposition of Octavius by Tiberius Gracchus, and the attempt to secure re-election to the tribuneship, must be called infractions of the established order. We should not be surprised to hear that the senate, after its victory, tried to prevent for the future, by a formal law, the democratic practices introduced by C. Flaminius, and carried to such extremes by the two Gracchi. But no trace of such a law is preserved. The only fact which may suggest that the approval of the senate was legally required, is the proceeding of C. Marius in his tribuneship, 119 B.C. He had proposed, for the purpose of checking the practice of bribery, to narrow the approaches to the voting urn or polling booths, where, it appears, electioneering agents used to waylay and influence the voters. When this proposal was opposed in the senate, Marius threatened to cast both consuls into prison unless a senatus consultum was passed to approve of his motion (Plutarch, *Mar.* 4). It seems that so extraordinary and violent a measure would not have been resorted to, if Marius could have dispensed with the previous sanction of the senate.

[2] Liv. 61. Cicero, *Partit. Orat.* 30, 106; *De Orat.* ii. 30, 132.

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have been simply a manœuvre of the ruling party. This party had a great interest in justifying their proceedings in the conflict with the democrats. They were anxious to secure their leaders from the consequences of a reaction which might call them to account for their high-handed policy. They accordingly availed themselves of their present predominance and undisputed power, and it was at their instigation that the tribune brought his formal charge against Opimius, in which, as was to be expected, he failed. The accused was defended by Caius Papirius Carbo, one of the consuls of the year,[1] the same Carbo who had formerly belonged to the popular party and had been one of the most zealous friends of the Gracchi.[2] He had been triumvir with C. Gracchus for the distribution of land, and had vehemently opposed the policy of Scipio Æmilianus, so that he even incurred the suspicion of having murdered him. But in the final catastrophe of C. Gracchus he had kept himself in the background, and in the following year he obtained the consulship, perhaps as a reward for deserting his party. As consul he justified the confidence of his new friends by defending the murder of C. Gracchus, and by pleading successfully for the murderer.[3]

Recall of Popillius Lænas.

After the acquittal of Opimius it was natural that P. Popillius Lænas, consul of 132 B.C., should be recalled from exile.[4] He had conducted the prosecutions of the partisans of Tiberius Gracchus, and had suffered for this in the short period of the popular supremacy in 123 B.C., when C. Gracchus avenged the death of his brother. His sentence was now formally reversed by a vote of the people on the motion of a tribune, L. Calpurnius Piso Bestia, a man who in the war with Jugurtha not many years afterwards made himself infamous by his venality, and was

[1] Cicero, *De Orat.* ii. 25, 106: Cum L. Opimii causam defendebat apud populum . . . C. Carbo consul nihil de C. Gracchi nece negabat, sed id iure pro salute patriæ factum esse dicebat.

[2] Vol. iv. p. 412.

[3] Cicero, *De Orat.* ii. 25, 106; 39, 165; *Brutus*, 34, 128.

[4] Cicero, *Brut.* 34, 128; *Post Redit. in Sen.* 15, 38; *Ad Quir.* 4, 10.

condemned for bribery and treason. The formal trial and acquittal of Opimius secured him from the fate of Popillius Lænas, and at the same time was a solemn justification of the measures which the senate had adopted for the punishment of all those concerned in the riots of the preceding year.[1]

[1] What we have represented above as the object of the impeachment of Opimius is based on conjecture and combination of facts, but is not stated in explicit words by any of our informants. Nevertheless we think there can be little doubt of it. At any rate the acquittal of Opimius, even if the impeachment was serious, proves that neither he nor any one else had to apprehend the consequences of their share in the street fight against Gracchus. It seems therefore to be a mere fiction, that Publius Lentulus, in order to avoid the vengeance of the people, accepted an honorary embassy, a '*legatio libera*,' from the senate, and retired to Sicily. Valerius Max. v. 3, 2: P. Lentulus . . . cum in Aventino C. Gracchi nefarios conatus et aciem pia et forti pugna magnis vulneribus acceptis fugasset, prœlii illius, quo leges, pacem libertatemque in suo statu retinuerat, hanc mercedem tulit, ne in urbe nostra moreretur. Siquidem invidia et obtrectatione compulsus, legatione a senatu libera impetrata habitaque contione, qua a diis immortalibus petiit, ne unquam ad ingratum populum reverteretur, in Siciliam profectus est ibique perseveranter morando compotem se voti fecit. This story, which is intended to engage special sympathies for Lentulus, after all does not imply that he was condemned or even accused; it speaks only of 'invidia' and 'obtrectatio,' which he is said to have wished to escape. He was to be represented as a martyr for the public good, whereas, after all, he only went to Sicily, as it appears, to restore his health, impaired by the wounds he had received. The exaggeration or misrepresentation, perceptible in the case of Lentulus, casts strong doubts also upon the current story of Scipio Nasica, the leader of the senate in the attack upon Tiberius Gracchus, 133 B.C. It is related that Nasica was sent by the senate to Asia on a 'legatio libera,' so that he might be out of sight and avoid the vengeance of the people (Plutarch, *Tib. Gracchus*, 21.) We have shown above (iv. p. 433), that this cannot have been so, and that Scipio Nasica was sent to Asia on a real and most important political mission. This view is now confirmed by what we have said of the analogous case of Lentulus. It is a matter of some importance to establish this fact. For our judgment of the character of the Roman people will depend on their conduct after their defeat no less than during the struggle. They were, as we have seen, very volatile, mean, and contemptible. On one occasion they back up their leaders, exalt them as their liberators, and make them terrible to the aristocracy. On another they allow themselves to be deceived like children, desert their friends, and leave them to their fate in the hour of danger. Then again they erect altars to them as martyrs of liberty and bring offerings to them as gods. They appear in all these transactions in no favourable light. But surely it would be an excess of infamy, if the people, who were so weak and cowardly in the protection of their leaders, had all this time possessed the power to punish their triumphant antagonists. We do not think very highly of the Roman people, but we

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Doubtful policy of Marius.

We are so imperfectly informed of what was going on in the interior of the state, that we find it difficult to explain the conduct of C. Marius in the year 119 B.C. By the support of the powerful family of the Metelli Marius had obtained the tribuneship. Nevertheless he assumed a bold and even defiant attitude with regard to his patrons, and threatened to cast the consuls into prison if the senate refused its consent to a motion which he had brought before the people to guarantee the liberty of voting from the interference of electioneering agents.[1] In the absence of direct evidence we are almost justified in doubting that the proposal of Marius produced any good results. It is curious that the senate opposed it so obstinately, for even Scipio Æmilianus had approved of secret voting (introduced by the lex Papiria). We may perhaps be allowed to suspect that the resistance of the consuls was a mere sham, intended to give greater weight and popular influence to Marius, who was, in the interest of his patrons and of the public good, about to protest against the principle of the most obnoxious law of C. Gracchus. Immediately after this popular proposal Marius came forward with another, which seemed directed against the interests of his party. He opposed a further extension of the distribution of corn to the poor.[2] It seems not unlikely that Marius at this early period of his career was still doubtful whether he should make himself the champion of the people, or seek promotion from the noble families, which might effectually serve or resist a new man like him. He was, it appears, not yet in direct and outspoken opposition to Metellus, when he accompanied the latter as legate to Africa in 109 B.C.

would willingly attribute their cowardice and fickleness to the consciousness of their weakness.

[1] The narrowing of the *pontes* or passages which led to the polling booths was intended to protect voters from the intimidation or other illegal influence of political partisans, who used to take their stand in these passages to watch the proceedings, and thus frustrated the ballot laws (*leges tabellariæ*, see vol. iv. pp. 94, 340).

[2] Plutarch, *Mar.* 4.

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Gradual abolition of the Sempronian land laws.

The reaction against the agrarian law of Gracchus had in the year 118 B.C. gone so far, that a tribune could venture to propose a law for discontinuing all further distributions of public land. It was decided that henceforward the owners of land should remain in undisturbed possession and pay as a fixed tax a percentage of the produce, the proceeds of which were to be distributed to the people.[1] This tax was finally abolished by a third agrarian law passed in the year 111 B.C., and the land which individual citizens had occupied was declared to be full private property. At the same time the allies were guaranteed the possession of the domain lands occupied by them, and directions were given that the public lands, which were not yet either occupied, assigned, or let, should henceforth be used as pasture grounds.[2]

Increased aggregation of wealth.

This law finally settled the agrarian disputes originated by the Gracchi. The whole agitation which had convulsed the republic for many years ended in the restoration of very much the same state of things which Tiberius and Caius had endeavoured radically to reform. The two brothers had

[1] Appian, *B. C.* i. 27. Cicero, *Brut.* 36, 136; *De Orat.* ii. 70, 287. According to Appianus the name of the tribune was Sp. Borius; but there seems to be an error in the name. See the following note.

[2] Fragments of this law, which is mentioned by Appian (*B. C.* i. 27), have been preserved in the original. They were engraved on the rough side of a copper tablet, which contained on its smoother front face the lex Acilia. The fragments have been edited by Rudorff (*Das Ackergesetz des Sp. Thorius*) and by Mommsen in the *Corpus Inscriptionum Latinarum*, vol. i. pp. 75–86. The mover of the law is not mentioned in the fragments. Nevertheless there can be no doubt that they are part of the Thorian law; for it contains the clause abolishing the tax payable from the produce of occupied public land (*Corp. Inscr. Lat.* p. 80, xix. xx.). This is the clause mentioned by Appian as belonging to the law of Spurius Borius, and referred to by Cicero as part of the Thorian law. The words of Cicero (*Brutus*, 36, 136) are: Sp. Thorius satis valuit in populari genere dicendi, is qui agrum publicum vitiosa et inutili lege vectigali levavit. The meaning of these words cannot be doubtful. It is that Thorius by a mischievous law freed the ager publicus from the burden of the tax. Mommsen puts an entirely different construction on the words, and makes Cicero say that Thorius by the vectigal freed the ager publicus from a mischievous law. Thus he arrives at entirely different conclusions by what we can only call a mistranslation. It is curious that Cicero calls the Thorian law 'vitiosa et inutilis lex,' for it was a law passed in the interest of the nobility. But Cicero spoke the truth, and had in his rhetorical dissertation no motive to misrepresent facts.

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not succeeded in establishing an independent peasantry, though some assignations of land had been made by the triumvirs, and though some attempt had been made to establish new colonies. The nobility was in possession of large estates, as it had been before; the employment of slaves in agriculture had increased instead of diminishing, as was fully shown in the servile insurrections of the succeeding years. After a while,[1] L. Marcius Philippus, a man of moderate views, could boldly assert that there were scarcely two thousand wealthy families in Rome.[2]

Character of the Roman populace.

The reforms of the Gracchi, which had for their object the renewal of the Roman people by the establishment of an independent peasantry, had thus broken down. No new basis had been formed for the realisation of that democracy which, though long established by the letter of the law, had been practically set aside by an all-powerful nobility. The great mass of Roman citizens who in their assemblies of centuries or tribes had to elect the annual magistrates, to pass laws and to sanction the measures of the government, remained what they had been, a pauperised venal mob, too idle or too proud to work, but ever ready to sell their votes for direct and indirect bribes, passionately fond of frivolous or cruel amusements, games, processions, shows, and plays, indifferent to their duties as citizens and soldiers, and utterly devoid of the spirit of patriotism which had animated their fathers in the wars with the Samnites and the Carthaginians. The Italian allies, by whose admission to the franchise the Gracchi had hoped to infuse new life into the body of the Roman citizenship, remained excluded. Their disappointed expectations were a dangerous seed of troubles for the future, for it was impossible to repress them for ever.

Political deterioration of the

Thus, whilst the beneficial reforms of the Gracchi came to nothing, those innovations which were either of ques-

[1] In 104 B.C., when Philippus, as tribune of the people, proposed an agrarian law, which, however, he allowed to drop. Cicero, *De Off.* ii. 27, 73.

[2] Cicero, *De Off.* ii. 27, 73: Non esse in civitate duo milia hominum qui rem haberent.

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senate and the equestrian order.

tionable value or of unqualified injury to the state, remained in force, above all the law which transferred the office of judge from the senators to the knights, and the law which provided cheap food for the Roman proletarians at the expense of the state. To the corn law the nobles had no great objection; they could not suffer if the disorder in the public finances became still greater by a ruinous expenditure which made the mass of the people pensioners on their bounty. As for the judiciary law it was indeed most hateful to the nobility, but they accepted it as a political necessity and accommodated themselves to its provisions. Formerly they had enjoyed the opportunity of plundering the provinces as a special and reserved right of their own. They were now obliged to share it with the knights by making an agreement with them which secured to themselves impunity in cases of judicial prosecution. In return they had nothing to do but to wink at the extortions which the knights practised as farmers of the provincial taxes. A compact of this kind did not tend to raise the character of either knights or nobles for political honesty and statesmanlike virtues; on the contrary it contributed to foster their selfishness, venality, and rapacity. The demoralisation of the nobility soon reached such a point that not only the honour of the Roman name, the military prestige of the Roman arms, but the safety and the very existence of the state were jeopardised in the wars which the republic had to wage with barbarian races in the south and in the north. The Jugurthine war in Africa and the war with the Germanic invaders in the north revealed the rottenness of the aristocratic rule and the necessity of a change which would put an end to the unjust predominance of a small minority.

CHAPTER VIII.

THE JUGURTHINE WAR, 111–105 B.C.

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Dominion of Masinissa and Micipsa.

AFTER the overthrow of the Carthaginian state and the establishment of the Roman province of Africa, the kings of Numidia had become the immediate neighbours of the Roman dominions. The vigorous and crafty Masinissa had in a long government raised his possessions to the condition of an extensive, consolidated, formidable kingdom. From the river Mulucha (now Maluya) on the borders of Mauretania in the west, it extended eastward as a broad belt of land between the Mediterranean and the African desert, enclosing the Roman province on the south and reaching the sea at the two great bays called Syrtes, where the important commercial port of Leptis recognised the sovereignty of the Numidian kings. Cirta (now Constantine), the capital of this vast region, about fifty Roman miles from the sea, was situated on a rocky plateau, secured on three sides from all approach by a deep gorge through which the river Ampsaga flowed northwards to the sea. It was a natural fortress, accessible only on one side and well suited to be the stronghold of a roving Numidian chief. But Masinissa and his successor Micipsa had here cultivated the arts of peace. Cirta had become a flourishing town. It had attracted a great number of Italians and of Greeks from Sicily, who, following in the track of the Roman legions, were by their industry and trade spreading European civilisation among the barbarians of Africa. It is reported that Cirta was populous enough to furnish ten thousand horse and twenty thousand foot for its defence. Nor was Cirta the only town of the Numidian monarchy. In the eastern part

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there were several others of considerable importance, such as Zama, Vaga or Vacca, Thala, Capsa in the interior, and on the coast Hippo and Leptis. After the destruction of Carthage the country, which had become a Roman province under the name of Africa, had soon felt the withering effect of Roman provincial government conducted by rapacious and annually changing officers. Like all the other countries conquered and administered as dependencies of the republic, it had lost its former life and prosperity. This decline of the Roman province was indirectly a gain for Numidia, which to a certain extent succeeded to the position of her old Punic rival, and no doubt had become the refuge of great numbers of Carthaginians driven from their homes by Roman cruelty.[1] Numidia was not altogether a desert. Considerable portions were admirably adapted for agriculture. The wandering life of the indigenous population, from which their Greek name of Numidians, *i.e.* Nomads, is derived, gave place in the eastern districts to the sedentary occupation of tillers of the soil. The kings of Numidia could almost rival the luxurious princes of Asia in wealth and magnificence, and the beginning seemed made for that prosperity which in the time of the Emperors marked Numidia as one of the most fertile and happy regions of the world.

Reign of Micipsa.

In the year 149 B.C. King Masinissa had died, and the kingdom of Numidia had in the interest of Rome been entrusted by Scipio the younger to the joint government of his three sons, Micipsa, Mastanabal, and Gulussa.[2] This joint government did not last long. Two of the brothers died, and Micipsa remained alone in possession of the whole kingdom.[3] He seems to have been a wise

[1] Even before the destruction of Carthage, the neighbouring country received from it the germs of civilisation. There are sufficient traces of a lively and intimate intercourse between Carthage and Numidia.

[2] Vol. iii. p. 349.

[3] As no particulars are reported concerning the mode of death of the two princes (Sallust, *Jug.* 5, 6), we ought perhaps to assume that they died of natural causes. Yet their deaths followed so rapidly after the new settlement,

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and peaceful ruler, and he succeeded in a long reign of thirty years in increasing the prosperity and wealth of his country, in amassing large treasures, and in entertaining friendly relations with his powerful allies the Romans. He assisted them occasionally in their wars with auxiliaries and supplies of corn, and he carefully avoided everything which might call forth their dangerous jealousy.

Jugurtha, son of Masta-nabal.

The royal house of Numidia was rich in descendants, and as the succession to the crown was not established on a legal basis or old custom, the peace of the country was threatened at the death of every king. Among the numerous sons of the sovereigns there always were some who were considered legitimate, while others ranked as the sons of concubines, and were excluded from the hope of succession. But such distinctions are never of great weight in a country where polygamy is the rule. Thus it happened that Jugurtha, an illegitimate son of Masta-nabal, the king's deceased brother, was educated at the court, and treated in every way as a royal prince as much as the king's own sons. When Jugurtha had grown up, and became distinguished by warlike virtues which engaged the warm admiration of his brave countrymen, Micipsa sent him with a body of Numidian auxiliaries to Spain, where at that time Scipio Æmilianus was carrying on the war with Numantia.[1] Here Jugurtha soon became the favourite of the general, and made friends among the noble Romans who served in the army. These, it is said, nourished in him the ambitious hope that on the death of

and turned out so advantageously to Micipsa, that a suspicion of foul play is perhaps not altogether unjustified.

[1] According to Sallust, Micipsa sent his nephew to Spain to expose him to the risks of war (statuit eum obiectare periculis et eo modo fortunam tentare, *Jug.* vii. 1). This seems to be an idle and not very happy surmise of the narrator, who surely could know nothing of Micipsa's secret intentions. We can scarcely suppose that if Micipsa really wished to be rid of Jugurtha he was reduced to the necessity of employing means so indirect and so uncertain. Could a king of Numidia ever have been at a loss to find an assassin who would 'make sure'? The story may remind us of the equally absurd charge brought against the Emperor Tiberius, when he sent Germanicus to the East, Tacit. *Annal.* ii. 42: Amoliri iuvenem specie honoris statuit, struxitque causas aut forte oblatas arripuit.

his uncle he might with Roman help obtain the throne of Numidia. On the termination of the war he was sent home by Scipio, loaded with honourable distinctions, and with a letter in which he wished Micipsa joy for having in his nephew a man worthy of himself and of his grandfather Masinissa.[1] If it is true that Jugurtha even at that early period, fifteen years before the death of Micipsa, entertained the treacherous designs, which, as we are told, his Roman friends encouraged, and which finally led to his ruin, we may be assured that he was wise enough to conceal them, and so to act as to convince his uncle of his perfect loyalty. Indeed, Micipsa looked upon him as a firm support of his royal house, made him his adopted son, and settled the succession to the crown in a manner similar to that which had been adopted under Roman direction after the death of Masinissa. The government was to be carried on in common by Jugurtha and two of the king's sons, Adherbal and Hiempsal. These two princes were both younger than their cousin Jugurtha. Adherbal, the elder, seems to have been good-natured but weak;[2] Hiempsal, the younger, violent and savage.[3] When Micipsa died, 118 B.C., the three princes soon found that they could not act harmoniously together, and that a government by three kings invested with equal authority was an impossibility. Jugurtha was treated by Hiempsal as an intruder. His wounded pride served as a pretext for his ambition; he caused Hiempsal to be attacked in his own palace and murdered.[4]

[1] Sallust, *Jug.* 9, 2: Tibi quidem pro nostra amicitia gratulor: en habes virum dignum te atque avo suo Masinissa.

[2] Sallust, *Jug.* 20, 2: Quietus, imbellis, placido ingenio.

[3] Sallust, *Jug.* 11, 3: Natura ferox.

[4] This was probably a crime committed in self-defence. Sallust, to whom we owe all the detail of these events, endeavours throughout to paint Jugurtha in colours as black as possible, and thus to excuse the treacherous and cruel treatment which he received at the hands of the Romans. He accordingly says nothing of any design of Hiempsal on the life of Jugurtha. But what he admits (chap. 11) of Hiempsal's character suffices to suggest that this prince, who looked upon Jugurtha as an intruder, would not scruple to use violence against him, and that he was only anticipated by the more daring and prompt action of Jugurtha. Comp. vol. i. p. 505.

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Struggle between Jugurtha and Adherbal.

By this deed Numidia was at once split up into two hostile factions, and a civil war broke out between the adherents of Jugurtha and Adherbal. The latter, conscious of his weakness, sent ambassadors to Rome to implore the help of the protecting state, and having been worsted in his first encounter with his rival he came to Rome in person. Jugurtha sent ambassadors, laden with gold as Sallust tells us, for the purpose of winning influential friends to his cause. It is hardly probable that, as Sallust would have us believe, Adherbal did not employ the same powerful agent, but relied on the effect of his words and lamentations. It would be strange indeed if he had not been aware as well as Jugurtha of the venality of the leading men in Rome; and why should he have scrupled to employ an agency which was more likely than anything else to lead to success?[1] As it was, the decision of the senate was by no means unfavourable to him. It was a decision which at the same time was chiefly determined by the interests of Roman policy. The senate determined that Numidia should be divided between the two kings. A commission of ten senators, under the presidency of the notorious L. Opimius,[2] was despatched to Africa to carry out this resolution, and to apportion his share to each. We are not informed whether it was the intention of the senate that the two portions should be exactly equal, or whether either of the two kings was to receive more than the other. It seems to have been demanded by the interest of Rome that Adherbal, who was likely to be a less troublesome neighbour than Jugurtha, should receive that part of Numidia which bordered on the Roman

[1] Sallust (*Jug.* 15, 4) takes care to report that Æmilius Scaurus was not bribed by Jugurtha. This may cause surprise, if we consider the character the historian gives him. For he calls him 'avidus potentiæ, honoris, divitiarum, ceterum vitia sua callide occultans.' Still more surprising will the virtue of Scaurus appear if we compare his subsequent conduct. For after Adherbal's death he distinguished himself from the other noble Romans only by setting a higher price on himself (Sall. *Jug.* 29, 2). May we perhaps surmise that he did not take bribes from Jugurtha on this occasion, because he was already retained as special pleader for Adherbal?

[2] Vol. iv. p. 476.

province, and that the turbulent and ambitious Jugurtha should have the western portion towards Mauretania. CHAP. VIII.

Such, indeed, was the decision of the senatorial commission. Adherbal had assigned to him the capital Cirta, with the towns and ports of greatest importance, whilst Jugurtha obtained the western division of the country, which contained no considerable towns, but was inhabited by the more warlike and restless clans. According to Sallust this arrangement was entirely in favour of Jugurtha, and it was the result of bribes which the Roman commissioners, and especially their leader L. Opimius, had received from Jugurtha. We have not the means to invalidate this statement, as we have no information apart from the report of Sallust; nor is there any reason to doubt that Jugurtha secured by rich presents the favour of the commissioners, and certain advantages which otherwise he would have failed to obtain. But we cannot admit the assertion of the historian that the division of Numidia turned out unfavourable to Adherbal and to the interest of Rome, and that accordingly the commissioners sacrificed their duty and the advantage of their country to their pecuniary profit. On the ground of the facts narrated by Sallust himself we are enabled to form our own independent opinion, and we come to the conclusion that Jugurtha had no cause to be particularly satisfied with the decision of the Roman commissioners.

Renewed war between Jugurtha and Adherbal.

Whatever may have been his feelings on this subject, he was obliged to accept the position which Rome assigned to him. He retired into his own territory, and, as it appears, preserved friendly, or at any rate peaceful, relations with his rival, for the space of four years.[1] It is very likely that during this time Jugurtha made his pre-

[1] In Sallust's narrative (*Jug.* 20), as well as in that of Mommsen (*Röm. Gesch.* ii. p. 114), this important fact is not brought out, so that the reader receives the impression, that the war between Jugurtha and Adherbal broke out immediately after the departure of the Roman commissioners from Africa: Postquam diviso regno legati Africa decessere . . . . Jugurtha in regnum Adherbalis animum intendit. . . . . Igitur ex improviso finis eius cum magna manu invadit. This amounts to a tacit misrepresentation.

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parations for war. He then invaded his cousin's land, and forced him against his will to make an armed resistance. A battle was fought between Cirta and the sea.[1] Adherbal was defeated, escaped with difficulty to his capital, and was here besieged by Jugurtha. Owing to the natural strength of the town he had no immediate danger to apprehend; but conscious of his inability to cope with his cousin in an appeal to arms, he had on the first outbreak of hostilities sent messengers to Rome to implore the senate for help.

Interference of the Roman senate.

It was impossible for the protecting state to allow the settlement of the Numidian kingdom which it had itself made and sanctioned to be disturbed. The Romans might decline to interfere in every quarrel of the African potentates, but they could not suffer the re-establishment of a powerful Numidian kingdom on the borders of their own province.[2] The senate accordingly sent messengers to Jugurtha, and warned him to abstain from hostilities.[3] When these messengers arrived, and found that actual war had broken out, that Adherbal had been beaten and was shut up in his capital, they seem to have been at a loss how to act. They confined themselves to delivering

[1] Sallust, *Jug.* 21, 2: Haud longe a mari prope Cirtam oppidum. It almost seems that Sallust regarded Cirta as situated close to the sea. In his narrative of the battle, Adherbal after his defeat escapes to Cirta on the same day, a distance of more than forty miles. We shall by-and-by have similar instances of Sallust's ignorance or carelessness in point of geographical accuracy.

[2] The policy of Rome was very simple and natural. If it were necessary, it could be illustrated by numerous instances. It will suffice to say, that the events which have lately taken place at the Cape point to the same necessity of a country owning foreign possessions to take care that neighbouring states may not grow powerful enough to disturb the peace. The projected division of Afghanistan is another case in point.

[3] Sallust, *Jug.* xxi. 4: Tres adulescentes in Africam legantur. There is nothing extraordinary in the selection of young men for embassies of this sort. (See vol. iii. p. 20.) Mommsen (*Röm. Gesch.* ii. p. 144) makes fun of the youth of the ambassadors, and calls them *boys*, who could do no better than return home to report to the *fathers* of the town how they had been treated. Poor jokes of this kind, mixed with a lofty self-consciousness of political wisdom and a censorial criticism, make this part of Mommsen's history specially unpalatable.

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the message of the senate to Jugurtha, and were assured by him that he would respect the decision of his patrons. He complained that Adherbal had treacherously sought his life,[1] protested that he was doing no more than was necessary for his own safety, and complained of the wrong he would suffer if he were prevented by Rome from defending himself and maintaining his position. Finally he professed his readiness to send messengers to Rome and to justify the measures he had taken.

Ineffectual mission of the Roman envoys.

The Roman ambassadors had no armed force at their disposal to enforce implicit obedience and to compel Jugurtha to desist from further hostilities. Nor were they charged to declare war, or to hold out the threat of war. They accordingly returned home without being able to effect anything, and without even having had an interview with Adherbal. It may be that they considered such an interview as fruitless, because it was not in Adherbal's power to put an end to hostilities; but from the vague expression used by Sallust it may almost be inferred that Jugurtha refused to let them confer with Adherbal.[2]

Motives of the Roman senate.

How the Roman senate was satisfied with the answer given to the ambassadors we are not informed. Nor do we hear anything of the despatch of the Numidian messengers whom Jugurtha had promised to send to Rome for the justification of his conduct. There can be no doubt that the Numidian question was maturely considered and carefully weighed in the senate from the only point of view which Roman statesmen could take, viz. the political interests of Rome. These interests seemed to demand the division of Numidia; but if that could not be obtained, and if the monarchy remained in one hand, no ruler was

[1] It is of course impossible for us to say whether this accusation was just. In Sallust's picture Jugurtha is always black, and an effective contrast is produced by more or less light being thrown on the other characters. Yet we must not forget that Adherbal too was a Numidian, and that the murder of an enemy or a rival ranked in his moral code not among the vices, but among the virtues.

[2] Sallust, *Jug.* xxii. 5: Adherbalis appellandi copia non fuit.

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so dangerous to Rome as the ambitious, warlike, and crafty Jugurtha. To confine him to the more distant western half of the kingdom was a task which could only be accomplished if the ruler of the eastern portion were a man of energy and ability, strong enough to keep Jugurtha in check. Adherbal could hardly seem fit for such a post. He was too weak and languid. Such a consideration as this may have been the reason why the Roman government did not more actively intercede in his favour. But there was no lack of princes in the royal house of Masinissa, and it could not be very hard to find one qualified to serve the interests of Rome more successfully than Adherbal. A short time after this we find in Rome a Numidian prince of the name of Massiva, the son of Gulussa, and therefore cousin of Jugurtha and Adherbal. It seems highly probable that even at this early period of the quarrel this prince was kept in reserve by the senate as a candidate for the throne of Numidia, and it is possible that this circumstance weakened the interest felt for Adherbal.

Siege of Cirta by Jugurtha.

At any rate Adherbal was left to his fate. Jugurtha pushed on the siege of Cirta without paying attention to the interference of Rome. Perhaps his ambassadors were in the meantime busy at Rome to persuade with the eloquence of gold the leading men in the senate that it was much better to allow things to take their course in Numidia. The siege of a town so strong by nature as Cirta was a task that required time. As no Roman army appeared for his relief, Adherbal once more wrote an imploring letter to the senate, which two daring Numidians succeeded in smuggling through the besieging force and carrying to Rome. But the only effect it produced was the despatch of another embassy to Jugurtha. This time it consisted of older men of high rank, headed by M. Æmilius Scaurus, who had been consul and was now foreman of the senate (*princeps senatus*).[1] But even this

[1] Sallust reports (*Jug.* 25, 10) that Jugurtha was especially afraid of

embassy had no military force at its disposal, and could only threaten with words. On hearing of its despatch Jugurtha tried to carry Cirta by an assault, in the hope of bringing about the end of the dispute before this new interference of the Romans, and of meeting them with an accomplished fact. But when his attempt was baffled by the natural strength of the place and the determined resistance of the besieged, he thought it advisable to obey the peremptory summons of the Roman commission and to appear before them in Utica, the capital of the Roman province. Nevertheless he did not raise the siege, in spite of remonstrances and threats. Cirta, cut off from all hope of relief and reduced to the utmost stress by famine, could not hold out any longer, and at last Adherbal was compelled by the numerous Italians living in the town to surrender.[1] His Roman patrons had done

Scaurus. Was it perhaps because, as we have surmised above (p. 16, n. 1), Scaurus was bribed by Adherbal?

[1] According to Sallust's narrative (*Jug.* 26), Cirta was defended chiefly by these Italians, and after the surrender of the town they were put to death by Jugurtha. Both of these statements of the Roman historian appear more than doubtful. It seems hardly credible that the capital of the kingdom, containing the royal palace and treasures, was left without a sufficient native garrison, and that for months the defence was actually carried on by a few foreign tradesmen. To these foreigners it must have been a matter of indifference whether Jugurtha or Adherbal was king of Numidia. What could have induced them to take such an active part in this internal quarrel, and to sacrifice life and property in it? And is it likely that tradesmen who had gone to Africa on commercial business were men able to defend a besieged town, and to beat back the assaults of hardy soldiers? We strongly suspect that nothing but national pride and vainglorious boasting on the part of the Roman narrators invented the story of the stout resistance of the Italians in Cirta. Nor do we believe that there is more truth in the second part of the story. Jugurtha is always represented as cool, shrewd, and calculating. Can this man be held guilty of such a mad freak of senseless passion as the murder of a number of Roman subjects would have been? He must have been aware that he would have to appease the Romans for having continued the siege of Cirta against their injunctions, and for having killed Adherbal who was under their protection. Would anyone but a fool or a madman have increased the difficulty of this task by the wanton murder of men who, even if they had provoked his anger, were now no longer dangerous, and for whose death he could never hope to obtain forgiveness? Two more considerations tend to produce the same effect. 1. The alleged murder of the Italians in Cirta is never urged in the subsequent charges against Jugurtha as a crime calling for redress. 2. Italian tradesmen continued to reside in

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nothing to give him effectual aid, and he was at once put to a cruel death.

Consequences of the death of Adherbal.

This deed produced in Rome a loud burst of indignation which was not directed against Jugurtha alone. It seemed impossible that Jugurtha could thus insolently defy the direct orders of the protecting power, unless he had felt himself backed by some leading men in the senate. There must have been, it was argued, a secret understanding between them and the barbarian king, an understanding disgraceful to Roman honour and injurious to Roman interests; and in truth an attempt was made in the senate by the tricks of parliamentary obstruction to draw out the debate on the affairs of Numidia until the first excitement produced by the news should have subsided.[1] By such manœuvres the discussion of the foreign policy of the government was mixed up with internal controversies and constitutional questions, and revived the opposition of the popular party, which ever since the overthrow of Caius Gracchus had been reduced to silence. After a long interruption the people once more asserted their undoubted right to determine the foreign policy of the Roman government, and Jugurtha was made to feel that by his secret transactions with influential members of the nobility he had incurred the resentment of the Roman people, which was inaccessible to his arts of corruption.

Roman declaration of war against Jugurtha.

It was Caius Memmius, one of the tribunes of the year 111 B.C., who now came forward as the spokesman of the popular party, and by his fiery eloquence carried a resolution that war should be declared against the audacious usurper who had dared to cross the policy of the republic. L. Calpurnius Bestia, one of the consuls of the year, was charged with the command in Numidia.

Numidian towns without let or hindrance, and without fear of their lives. See below, and Sallust, *Jug.* 47. We are convinced, therefore, that the whole story of the wholesale murder of these men was invented for the purpose of charging Jugurtha with an unheard-of crime, and of justifying the treachery and cruelty practised against him by the Romans.

[1] Sallust, *Jug.* 27, 1.

All necessary preparations were made, an army raised, and when Jugurtha, alarmed at the imminent danger, sent his son with a new embassy and large sums of money to Rome, the young man was peremptorily ordered to leave Italy within ten days, unless he had come to offer his father's unconditional submission.

The war a struggle between Rome and Numidia.

The war which now began is called in history the war with Jugurtha. But it was in reality a war with the whole of Numidia, just as the Hannibalic war was carried on with the whole force of Carthage. The prominence given to the name of Jugurtha only indicates that he was personally the soul and leader of the war, and that it could be terminated only by his capture and death. But, as clearly appears from Sallust's narrative, the whole of Numidia entered into the war with Rome as one undivided state. The division which had been made under Roman direction into an eastern and a western Numidia was swept away on the death of Adherbal. In the whole course of the war no party hostile to Jugurtha and no rival pretender appears on the stage. Jugurtha was evidently the sort of ruler that the Numidians preferred. They were not shocked by the violence with which he had set aside his cousins to establish himself on the throne. This national spirit greatly enhanced the difficulties of the war for Rome. For the obstacles which the African climate, the vast deserts and barren mountains, and, more than all, the great distances, opposed to the Roman arms, could hardly be overcome without the aid of some native ally, such as Rome had found in Masinissa at the time of her conflict with Carthage. The province of Africa appears throughout to have been of no material benefit to the Roman armies, except that it served as a basis of operations and as a refuge in case of retreat.

Plans of the Roman commander, Calpurnius Bestia.

Nevertheless the war was popular in Rome. A general and exaggerated opinion prevailed of the wealth of Numidia, perhaps a reminiscence of the wealth of Carthage. Nobody seems to have conceived it possible that Jugurtha

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would be able to make a long stand against an army of Roman soldiers. Small risk and immense booty were confidently expected in contrast with the harassing and unprofitable wars in Spain. Roman generals in particular were justified in looking upon an African expedition in this light; for apart from the plunder of a rich country, they calculated upon what could be gained by transactions with a king who had already shown himself so prodigal of his apparently inexhaustible treasures. Accordingly, as Sallust assures us, Calpurnius Bestia proceeded to Africa with the firm intention to look to his own interests first, and for this purpose he surrounded himself with influential men as his legates, who might on his return to Rome shield him from troublesome investigations.[1] He had the reputation of a good soldier, being a man inured to fatigue, possessed of resolution, foresight, experience, and firmness, all qualities indispensable in a war in which unexpected surprises, treachery, and plenty of harassing operations might be expected. But all these virtues were paralysed in him by cupidity, his master passion.

Treaty with Jugurtha.

Having crossed with his army from Sicily to Africa, Calpurnius commenced the war by marching straight from the Roman province into the adjoining frontier district of Numidia. Jugurtha, far from anticipating his arrival by an invasion of the defenceless province, retired before him, and trying the effect of his old skill in corruption soon brought about a cessation of hostilities. He succeeded even in overcoming the scruples of the conscientious Scaurus, who had been so long inaccessible to his temptations,[2] but yielded at length when an adequate

[1] Sallust, *Jug.* 28, 4: Interim Calpurnius parato exercitu legat sibi homines nobiles, factiosos, quorum auctoritate quæ deliquisset munita fore sperabat; in quis fuit Scaurus.

[2] Sallust, *Jug.* 29, 2: Scaurus tametsi a principio, plerisque ex factione eius corruptis, acerrume regem impugnaverat, tamen magnitudine pecuniæ a bono honestoque in pravum abstractus est. This worthy man is either grievously maligned by Sallust, or he was the most arrant knave of the whole set. For he succeeded in the end not only in escaping suspicion and a public

sum of money was offered. In a council of war Calpurnius and his principal officers resolved to put an end to hostilities on condition that Jugurtha should make a formal submission, deliver up thirty elephants, a certain number of horses and cattle, and a small sum of money. What assurances he obtained in return for this submission is not stated. It is natural to suppose that he did not give up his cause for lost before having made a fair trial of his strength, and that he stipulated for himself the possession of the whole kingdom of Numidia under the protection of the Roman republic.[1]

Opposition of the tribune Memmius.

After the conclusion of the treaty of peace, Calpurnius returned to Rome to preside at the comitia for the election of consuls. He found that public opinion was decidedly against the arrangement he had made with Jugurtha. The whole democratic party, with Caius Memmius at its head, was in an uproar of indignation and discontent. In frequent party meetings and in general assemblies of the people the authors of the treaty were denounced as traitors who had bartered away the interest of the republic for illicit gain. Memmius stirred up the people with inflammatory speeches, in which he recalled to mind all the vices and iniquities of the nobility, the murder of the two Gracchi, the reign of terror that followed, the abuse of power, and the spoliation of the public property, the oppression and systematic robbery practised against friends and allies, the exclusive appropriation of the highest honours and advantages of the state.[2] He finally made a

prosecution, but was actually installed as judge to inquire into the malpractices of his colleagues. See below.

[1] Sallust's meagre report contains nothing of any stipulation in favour of Jugurtha. That however such a stipulation was actually made, and that it was the one indicated in the text, seems to follow from the indignation which the treaty produced in Rome. This indignation can only be understood on the supposition that the treaty which actually made the war unnecessary was injurious to some real interests of Rome, that is, if it left the whole of Numidia in one single hand.

[2] The speech of Memmius, as reported by Sallust (*Jug.* 31), is from beginning to end nothing but a tirade against the domination of a wicked nobility. High-sounding words, virtuous indignation, and an absence of positive tangible facts, are sufficient evidence that the speech is a literary composition of

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formal motion for an inquiry into the manner in which the treaty with Jugurtha had come to be concluded. Jugurtha himself was to be summoned to appear in Rome, so that by his own evidence the guilt of the Roman negotiators might be brought to light.

Alleged mission of L. Cassius to summon Jugurtha to give evidence against himself in Rome.

In all probability the charges brought by the tribune against Calpurnius and his colleagues were not entirely without foundation, though as yet he could have no direct proof of their guilt. He might have good reason to suspect that they had received money from Jugurtha; but whether the treaty they had concluded was injurious to the republic or not was a question which depended on entirely different considerations. Without the risks and expenditure of a campaign, Calpurnius had obtained the end which the senate had in view when the army was despatched to Africa. Jugurtha had formally submitted. If the Roman government did not insist on unfair conditions, there was no reason to apprehend that Jugurtha would for the future be troublesome; nay, he might, like his predecessors, prove to be a valuable ally. It happened, too, just then to be a time when the Romans had come into conflict with several obstinate enemies, and had suffered serious losses. Two years before the Cimbri had made their first attack, and had annihilated a Roman army in the Alps. For several years the Romans had been at war with the warlike peoples of Thrace, and had sustained serious checks.[1] If under these circumstances a new war in a distant country like Numidia could be avoided without injury to the honour or the interests of the republic, it was a clear gain, and surely neither the honour nor the interests of Rome could demand more

Sallust, although from some expressions we might almost be induced to think that it is a genuine document. 'Decere existumavi unam ex tam multis orationibus eius perscribere, ac potissimum ea dicam, quæ in contione post reditum Bestiæ huiuscemodi verbis disseruit.' These words are carefully chosen to produce a false impression without implicating the author's veracity.

[1] Liv. *Epit.* 63: Cato Porcius consul (114 B.C.) in Thracia male adversus Scordiscos pugnavit. Eutrop. iv. 24. Florus, iii. 4, 3. The reverses in Thrace produced a deep impression in Rome, as we shall see lower down (chap. x.) when we come to speak of the famous trial of the vestal virgins.

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than the submission of Jugurtha, even if certain conditions were attached to it. He had clearly shown that he dreaded the hostility of Rome, and was anxious to make sacrifices for the maintenance of good neighbourly relations. From mere political considerations such a prince might have been accepted as king of Numidia. His offences against the majesty of Rome, his disregard of her injunctions, might well be looked upon as atoned for by his submission and the sacrifices he had made. But it appears that the democratic party in Rome was not guided by such considerations. They looked upon Jugurtha as a confederate of their own corrupt nobility, and in punishing the one they aimed a blow at the other. The senate was intimidated by the violence of the opposition.[1] Many of its members had no clear conscience, and dared not to oppose the storm that had broken forth against them. Thus the motion of C. Memmius was passed by the tribes, and L. Cassius, the prætor, was sent to Numidia to invite Jugurtha to come to Rome, so that by his own evidence the charges brought against Scaurus and the other Roman negotiators might be substantiated.[2]

Inaccuracy of Sallust as an historian.

We have no choice but to accept this strange story as it is related by Sallust, our only source of information. But we cannot omit expressing our grave doubts of its accuracy. Sallust is so often notoriously guilty of gross negligence, his inaccuracies and omissions can be satisfactorily detected in so many instances, that even in a case like the present, where we have nothing but internal evidence to guide us, we may perhaps be allowed to express the conjecture that he related only a portion of the actual facts, and that by suppressing what he did not want for his purpose he gave a false colouring to the whole.

[1] Sallust. *Jug.* 30, 1: Patres solliciti erant, &c.

[2] Sallust, *Jug.* 32, 1: Memmius populo persuadet, uti L. Cassius, qui tum prætor erat, ad Jugurtham mitteretur, eumque interposita fide publica Romam duceret, quo facilius indicio regis Scauri et reliquorum quos pecuniæ captæ arcessebant delicta patefierent. Liv. *Epit.* 54: Jugurtha fide publica evocatus ad indicandos auctores consiliorum suorum, quod multos pecunia in senatu corrupisse dicebatur, Romam venit.

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The truth is, Sallust cared principally for an effective story, for situations which he could depict in his favourite rhetorical style. What did not answer his purpose he passed by, and thus he has given us a narrative which has indeed a few brilliant passages, but which wants clearness, because he has neglected to show the internal connexion of events, and to trace effects to their true causes.

Probable facts of the case.

That an independent foreign prince should be summoned to Rome to give evidence in a trial may perhaps be supposed to be not altogether impossible or improbable on the supposition that this foreign prince is directly interested in furthering the inquiry. But if the inquiry is directed against a criminal transaction in which he himself played the principal part, if he is called upon to give evidence against himself, it seems a very strange demand that he should come to Rome for such a purpose. Had the position of Jugurtha been much more desperate than it really was at the beginning of the war, he would still have felt that to comply with such a demand would have been dishonourable and humiliating in the highest degree, in fact that it would have deprived him of the last remnant of his royal dignity. From all that we know of Jugurtha's character we may feel convinced that he would never have gone to Rome for such a purpose. If before leaving Africa he had known that Memmius would call upon him to make disclosures in a popular assembly (*contio*) respecting his transactions with Calpurnius Bestia and Æmilius Scaurus, it would have been easy for him to protest and to refuse compliance, certainly far easier than it was afterwards in Rome. But even here he found means to baffle an attempt so ignominious and audacious. He procured the intercession of another tribune, who forbade him to speak in answer to Memmius. That he should ever have dreamt of giving an answer, that he should have come to Rome solely or principally for the purpose of giving such an answer, nay, that he should have known of the intention of Memmius

to exact from him evidence against himself, is utterly incredible, and it is even improbable that Memmius conceived the plan of examining him before he had arrived in Rome.

Real cause of Jugurtha's journey to Rome.

It is therefore impossible that Jugurtha's journey to Rome was undertaken for the purpose indicated by Sallust. Its object must have been different. It seems to have had a direct connexion with the preliminary treaty of peace concluded between him and Calpurnius. It was necessary to obtain for this treaty the sanction of the senate and people, and this was not easy, for there were independent statesmen in Rome who were convinced of the necessity of dividing Numidia. Jugurtha might hope to gain them over to his side. The efficacy of gold was very great in Rome. Calpurnius Bestia, Scaurus, and all the other members of the nobility whom he had already secured as his partisans, would come forward to advocate that settlement of Numidia which they had perhaps secretly promised him. But here these men came into collision with the popular party, who were convinced that they spoke in favour of Jugurtha only because they had been bribed. It was now suggested that to bring home their guilt to them the evidence of Jugurtha himself might be used, and the attempt was made to make him confess his own and his friends' delinquencies. When this attempt failed through the intercession of a tribune, the party which advocated the division of Numidia brought forward a rival prince of the house of Masinissa. This was Massiva, the son of Jugurtha's uncle Gulussa. The presence of this prince at Rome at this particular time, and the jealousy with which Jugurtha looked upon him, admit of no other explanation than that, as we surmise, he was kept in readiness by the enemies of Jugurtha as his rival.

The democratic opposition foiled by tribunician intercession.

We have here given our explanation of the causes which brought Jugurtha to Rome, and have to some extent anticipated the course of events. We now return to the narrative of Sallust. According to him Jugurtha

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arrived in Rome in the humble and abject dress of a man who tries to rouse popular pity for the purpose of averting punishment.[1] He was received with general execrations, and would have been personally assaulted in spite of the safe-conduct which had been promised him, if C. Memmius had not stood up for him in a *contio* and declared that he would not suffer him to be harmed. When he was called upon to name his accomplices,[2] the tribune C. Bæbius, who had been bribed for this purpose, interposed his veto and forbade him to answer. The people, wild with rage, threatened violence, but finally acquiesced. The intercession of one tribune, purchased by a bribe, sufficed to put an end to the investigation.[3] It protected Jugurtha, Calpurnius Bestia, Æmilius Scaurus, and all the others, guilty, or accused of being guilty, of corrupt transactions; it foiled the whole scheme of the democratic leaders, and in all probability the popular excitement would have subsided, if an audacious crime, committed by Jugurtha in Rome itself, had not exposed him to universal hate, and made it impossible even for his best friends and well-wishers to plead for him

[1] Sallust, *Jug.* 33: Contra decus regium cultu quam maxume miserabili.

[2] Sallust, *Jug.* 33, 4: Producto Jugurtha Memmius verba facit, Romæ Numidiæque facinora eius memorat, scelera in patrem fratresque ostendit, quibus iuvantibus quibusque ministris ea egerit, quamquam intelligat populus Romanus, tamen velle manifesta magis ex illo habere. This is in strange contradiction with chapter 32, 1, where Jugurtha was sent for 'quo facilius indicio regis Scauri et reliquorum quos pecuniæ captæ arcessebant delicta patefierent.' What had the crimes committed by Jugurtha against his father and brothers to do with the corruption of Scaurus?

[3] It is difficult to believe that a tribune would have interceded to prevent the carrying out of a resolution formally adopted by a plebiscitum. But if the examination to which Memmius wished to subject Jugurtha was not ordered by the people, if it was attempted by Memmius incidentally without any authority, we can easily believe that another tribune might conscientiously oppose it as an unheard-of and unjustified proceeding. It is possible that, as Sallust relates, the intercession of Bæbius was purchased by a bribe. But if this was notorious, why was he not prosecuted in the following year for bribery like the others? He would certainly have been guilty of a more heinous offence than anybody else, if he had been induced by a bribe to oppose a formal vote of the people. The conclusion to which these considerations point is again the same, namely, that there was no such vote.

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and to avert the storm of passion and hate gathering against him.

Murder of Massiva by order of Jugurtha.

After the scene in the forum which had proved the inability of the popular party to attack their opponents by means of evidence forced from Jugurtha, it seems that the latter ought to have left Rome, as the object for which, according to Sallust's narrative, he had come had been defeated. But it appears that he remained. If Sallust's story is rejected we have no difficulty in explaining this, for then the incident of the question of Memmius and the intercession of Bæbius were a casual intermezzo which only interrupted the regular course of negotiations about the settlement of the kingdom of Numidia. In order to simplify this settlement the crafty barbarian bethought himself of a barbarous expedient. He saw that his cousin Massiva was a good card in the hand of his opponents. Whether they intended to put him in Jugurtha's place or by his side in the place of Adherbal we do not know.[1] Jugurtha must have apprehended one or the other, and he determined to rid himself of him in the most expeditious way. Massiva was waylaid and killed by assassins whom Bomilcar, Jugurtha's confidant, had hired. Unfortunately they went to work so clumsily that even the wretched police of Rome succeeded in discovering them. The guilt was brought home to Bomilcar, who, although prosecuted for the murder, was allowed to remain at the special request of Jugurtha, who gave sureties for his appearance. But before the day of the trial came, Jugurtha managed to send Bomilcar home, preferring to sacrifice his own reputation and the sureties which he had given rather than to risk the life of his favourite. Thereby he made himself personally answerable for the crime which had been committed, and was obliged[2] to leave Rome, where, after

[1] From Sallust (*Jug.* 35, 2) it would appear that there was at least a party in Rome who designed making Massiva in Jugurtha's place king of Numidia.

[2] According to Sallust (*Jug.* 35, 9), he was ordered to leave Italy (iussus

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such an outrageous violation of hospitality, he could no longer expect that the safe-conduct under which he had come would be respected. On leaving Rome he is said to have turned back, and to have uttered the memorable words: 'O thou venal town, doomed to speedy ruin, if only a purchaser could be found!'[1]

Final rupture with Jugurtha.

By the murder of Massiva Jugurtha had shot beyond the mark. Up to that time he had perhaps had a chance of effecting a reconciliation with Rome through the influence of the party favourable to him. Perhaps he might have secured the whole of Numidia, or, if not the whole, at least a portion of it for himself, and a continuance of friendly relations with Rome. Now this prospect was gone. The dignity of Rome could not allow a compact with a man who had dared to outrage her majesty so insolently. If the nobility now continued to shield him from the public wrath, they declared themselves guilty of the offence with which they were charged by public opinion. They were compelled to yield to the popular pressure, to carry on the war in full earnest, and to proceed against Jugurtha as a sworn enemy of the republic with whom it was impossible to treat and to live in peace. As a government cannot condescend to come to terms with the chief of a band of robbers, but must relentlessly pursue him until it has him within its power, so the war against Jugurtha now assumed the character of a personal conflict with him. It was clear that so long as he lived and was free, the country bordering upon the Roman province would be in an unsettled condition dangerous and derogatory to the Roman government.

Conduct of the Roman officers and soldiers in Africa.

Meanwhile the example of Calpurnius Bestia and his associates had had a baneful influence on the morality of the officers and soldiers of the African army. They felt encouraged to rival their superiors in rapacity and greed.

a senatu Italia excedere); and this is more likely than that he should have fled secretly, as stated by Livy, *Epit.* 54.

[1] Sallust, *Jug.* 35, 10: Urbem venalem et mature perituram, si emtorem invenerit.

Whilst the consul was absent in Rome they sold to Jugurtha the deserters and the war-elephants which he had been obliged to give up, and they plundered like enemies the peaceful inhabitants of a country which they were bound to treat as friendly during the continuance of the truce.[1]

Renewal of the Jugurthine war.

The successor of Calpurnius Bestia in the command in Numidia for the year 110 B.C. was the consul Spurius Postumius Albinus. How long the truce concluded in the previous year lasted, or was intended to last, we are not informed. We may suppose that Jugurtha on his return from Rome considered himself free to resume hostilities, though nothing is reported of any attack on the Roman forces or of an invasion of the Roman province. The new consul, as soon as he had made provision for the payment of his troops and for new supplies of the necessaries of war, hastened into his province, anxious if possible to bring the war to a rapid termination before he should be called away to Rome for the consular elections of the following year. But his task was not so easy as he seems to have imagined. The army which had been left in Africa by Calpurnius cannot have been in a very efficient state after all that we hear of their outrageous doings in the winter during the truce.[2] Jugurtha was an enemy not to be despised. He combined caution with audacity, knew when it was necessary to retire and again to break forth suddenly, and take his opponents by surprise. At the same time he again showed his readiness to submit, or he pretended to be entirely discouraged, so that the Roman commander was fooled in one way or another. Thus time passed away, no progress was made, and Albinus did not escape the suspicion that he was not in earnest, that he spared Jugurtha by design, in short that he too was bribed. In the end, when the time of the consular elections came, he left Numidia and the war in the state in which he had found them.

[1] Sallust, *Jug.* 32, 2.

[2] Above, p. 33. Sallust on this occasion (*Jug.* 36) omits to paint such a scene as he is fond of.

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Detention of the consul Albinus in Rome.

In Rome the current of public opinion ran still in favour of the democratic opposition, and had meanwhile gained in strength. Two tribunes of the people. P. Lucullus and L. Annius, obscure men who are never mentioned on any other occasion, wishing apparently to ape the Gracchi, made the attempt to secure their re-election for the following year. Being crossed by the intercession of their colleagues,[1] they stopped by their veto the consular elections. Thus it happened that Sp. Postumius Albinus was for a long time detained in Rome.[2]

Defeat of his brother Aulus.

During his absence from Numidia the command of the army was entrusted to his brother Aulus, an honest man, at least in so far as he appears not to have been bribed by Jugurtha. But he was not less anxious than the other men in office to avail himself of the circumstances in which he was placed for improving his private fortune. Having heard that the king had deposited great treasures in a town called Suthul,[3] he rashly formed the design of attacking this place in the middle of winter.[4] He had a vague hope that he might perhaps be so lucky as to conquer and capture Jugurtha by a *coup-de-main*, and to return home as the conqueror of Numidia. But he had reckoned without his host. Suthul, protected by its situation on the top of a steep hill in the midst of a plain which was changed by the winter rains into a vast swamp,[5] defied all the efforts of the Roman army, and at the same

[1] Sallust, *Jug.* 37, 1. This incident shows that no law had been passed after the death of Tiberius Gracchus to legalise the re-election of tribunes. See vol. iv. p. 468, n. 4.

[2] This is an illustration of the absurdity of the constitutional practice which required a consul to leave his army in the field for the purpose of performing ordinary routine functions in Rome.

[3] The treasures of Jugurtha, at least in the imagination of the Romans, seem to have been inexhaustible. He was supposed to have deposited them not only in his capital, but in several places in different parts of the country. See Sallust, *Jug.* 75, 1. It is not unlikely that Jugurtha spread reports of this kind when he wanted to lure a greedy fool like A. Albinus into a trap.

[4] Sallust, *Jug.* 37, 3: mense Januario.

[5] Sallust (*Jug.* 37) does not say where, or even in what direction, Suthul was situated. Probably he had no idea of it himself.

time Jugurtha succeeded by negotiators in making A. Albinus believe that he gave up his cause for lost, and was thinking of proposing terms of peace. Albinus now raised the siege of Suthul, and followed Jugurtha, who was retreating before him from place to place, in hopes of pressing him hard and inducing him to make his submission. But suddenly he found himself assaulted in his camp in the middle of the night. A Ligurian cohort and a troop of Thracian horse, nay even some Roman soldiers, went over to the king, and a centurion, bribed as is alleged, betrayed the part of the rampart which he was charged to defend and let the enemy into the camp.[1] The proprætor and his army turned to flight and took refuge on a neighbouring hill, while the Numidians plundered their camp. The Roman army would have been lost to the last man, had Jugurtha chosen to push his military advantage to the uttermost. But he knew that the loss of one army was not equivalent to the humiliation of Rome, that another army would soon appear in the field, and that the Romans would be only the more exacting and persistent the more they had suffered. He therefore tried to recover by generosity the position which he had lost by his defiant attitude. He allowed the Roman army to depart unharmed,[2] on condition that Albinus concluded a formal treaty of peace and evacuated Numidia within ten days.[3] It seems strange

[1] Sallust, *Jug.* 38. It is not surprising that Ligurians and Thracians deserted the Roman standard. But that Roman soldiers should have done the same is hardly credible. Above all, the bribery of a centurion under such circumstances seems as unlikely in itself as difficult to effect and finally to prove. No doubt this story was invented to explain the disgraceful defeat. Similar stories of treason, equally or even more unfounded, were rife in the Franco-German War of 1870.

[2] Sallust, *Jug.* 38, 9. This capitulation was accompanied by the formality of passing under the yoke, which seems to have been general, as it was practised by Romans, Samnites, Spaniards, and Numidians. See vol. i. p. 397; iii. p. 399.

[3] Sallust, *Jug.* 38, 9: Si secum fœdus faceret, incolumis omnis sub iugum missurum; præterea uti diebus decem Numidia decederet. What the stipulations of this *fœdus* were, we are not informed. It seems natural to suppose that Jugurtha would under such advantageous circumstances insist upon being acknowledged as king of all Numidia.

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that a man so well acquainted with the character of the Roman people could have deluded himself with the idea that he would be treated differently from the Numantines or the Samnites who had trusted to Roman honour and justice, and had divested themselves of military advantages in the vain hope of thereby purchasing fair conditions of peace. Perhaps he thought that the members of the Roman nobility who had taken his bribes and had hitherto spoken for him in vain would now be supported by a general feeling of gratitude in all classes of the people; for by sparing the lives of thousands of citizens he had shown that he was far from being an enemy of the Roman name.

Mistaken tactics of Jugurtha.

But he had deceived himself. The news of the capitulation of Aulus Albinus produced in Rome not joy at the delivery of the army, but indignation, resentment, and the resolution to continue the war with renewed energy and on a larger scale. The treaty concluded with Jugurtha was indignantly rejected, nor was it even proposed to deliver up the authors of it to the enemy, as had been done under similar circumstances in the second Samnite war and in the war with Numantia. Perhaps Jugurtha was not regarded as a belligerent who could expect to be treated according to the rules of international law. He was possibly in the eyes of Rome simply a rebel. The consul Spurius Albinus was ordered to proceed forthwith to Africa, and to relieve his brother from the command of the disgraced army. When he arrived there, he found that his first task must be to restore discipline, order, and self-respect to the men who had suffered themselves to be beaten and covered with shame. Before this was done it was impossible to think of a renewal of active operations.[1]

[1] Why Jugurtha gave the Romans time to recover from their wretched condition, and why he never attacked the Roman province, we cannot tell. Was it weakness on his part, and the fear of adding to the hostility of the Roman people? It seems throughout that he never gave up the hope of peace, and carefully avoided what would make this impossible.

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Effect of the defeat of A. Albinus on the state of parties at Rome.

The military defeat which Aulus Albinus had suffered in Numidia was at the same time a political defeat of the nobility in Rome. It gave new life and hope to the democratic party. The popular leaders attributed all the failures in Numidian affairs to the incapacity, double-dealing, and corruption of the men of the nobility, who, whether as negotiators or as generals and officers, had played the game of Jugurtha and betrayed the interests of their own country. A tribune of the people called Caius Mamilius Limetanus proposed a rogation in the comitia tributa for a judicial inquiry into all acts of bribery and corruption which were alleged to have taken place in the negotiations and in the war with Jugurtha. He insisted that all those men should be brought to justice who had encouraged Jugurtha in his resistance to the decrees of the senate, who had received money from him, who had delivered to him elephants and deserters, or in any way had had transactions with him on questions of peace and war.[1] The nobility made every effort secretly to oppose the adoption of this rogation,[2] but in vain. The people hailed it with delight, and passed it more, as Sallust affirms, out of hatred to the nobility than out of zeal for the public good.[3] Three judges (quæsitores) were appointed to conduct the prosecutions, and among them we find with great surprise M. Æmilius Scaurus, one of the most prominent men of the nobility, who was suspected of having sold his services to Jugurtha at the highest price.[4] The court proceeded with great severity, violence, and

[1] Sallust, *Jug.* 40.

[2] Sallust, *Jug.* 40, 2: Huic rogationi . . . . quoniam aperte resistere non poterant . . . . occulte per amicos ac maxume per homines nominis Latini et socios Italicos impedimenta parabant. This passage shows that the Latin and Italian allies, though they had no suffrage, played an indirect part in Roman politics. How their influence was exercised does not appear from Sallust's narrative.

[3] Sallust, *Jug.* 40, 3.

[4] Sallust does not explain this curious fact, though, after his statement (*Jug.* 29, 2) that Scaurus was bribed by Jugurtha, he cannot have failed to remark that he ought to have been put on his trial rather than have been appointed to try the others.

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partiality.[1] It seems that on suspicion alone, and without sufficient evidence, several men who happened to be unpopular were declared guilty.[2] Among the condemned was C. Galba, and no fewer than four men of consular rank—L. Bestia, Sp. Albinus, C. Cato, the grandson of the celebrated censor, and L. Opimius, the consul of 122 B.C., who was particularly odious to the people as one of the most ferocious enemies of the Gracchi. These men are mentioned by name; but besides them there must have been a great number of inferior rank. Corruption had infected all classes of society, and the attempt was made to sweep it away with one great effort. But if it was believed that Jugurtha relied on gold alone, as the one-sided narrative of Sallust would lead us to suppose, the people were soon undeceived. For even after the sweeping condemnations effected by the Mamilian rogation, when the conduct of the war was entrusted to men whose hands were clean, it took more than four years before the warlike Numidian chief was overcome, and a prisoner in the Roman power.

Election of Metellus as consul.

How firmly the power of the nobility was established was now made manifest. After the decided triumph of the democratic party which was signalised by the carrying of the Mamilian rogation, and the indictment and conviction of so many of the most prominent members of the nobility, the consular comitia resulted in the election of Quintus Cæcilius Metellus, perhaps the foremost man of the ruling class, and to him was entrusted the command in Numidia. Was there not one man in the ranks of the popular party of sufficient importance to be put forward as a rival of the high-born defaulters and mismanagers? In the Hannibalic war, when Spain was all but lost to the republic, a young man was selected who had as yet filled

[1] Sallust, *Jug.* 40, 5.

[2] The negligence of Sallust is here very conspicuous. He omits to mention a single name. It is by Cicero (*Brutus*, 33) that these have been fortunately preserved. The Galba here mentioned was the son of the notorious Servius Sulpicius Galba, accused for his treachery and cruelty in Spain. See vol. iii. p. 386.

none of the high offices of state, and became the saviour of the Roman honour. P. Scipio was, it is true, the scion of a noble house, but at that time there was no popular party. Now too there was a man in Rome fit to take the command, a man not inexperienced like Scipio, but tried in war and ripe in years. But Caius Marius was a man without noble ancestors. Though he had risen from the station of a common peasant and a common soldier by his own merit to be entrusted with all the republican offices in succession up to the prætorship, he was not able to reach the highest of all. He was passed over, and the proud Metellus secured for himself the suffrages of the people and the succession to the command in the war with Jugurtha.

Position and influence of the Metelli.

The family of the Metelli, though plebeian, had been distinguished as one of the leading families in Rome ever since the victory of Lucius Metellus at Panormus in the first Punic war, 251 B.C.[1] In the course of the third century the Metelli seemed destined by fate to fill the consulship, as the poor poet Nævius ventured to remark.[2] But it was in the second century that the family reached the highest honours through Q. Cæcilius Metellus, who by his victory over Andriscus gained for himself the name of Macedonicus. His four sons obtained curule honours, and his nephew was the newly-appointed consul for 109 B.C. He too was called Quintus Cæcilius Metellus, and had therefore the identical names of his uncle. But there were in the family already three surnames which might help to distinguish the individual members. One of the nephews of Metellus Macedonicus, who had been consul in 119 B.C., was called Dalmaticus from the conquest of Dalmatia; one of the sons had acquired the grand surname of Balearicus because he had fought victoriously in the Balearic islands. There was a prospect now that another

[1] Vol. ii. p. 76.

[2] The quiz of Nævius, 'fato Metelli Romæ fiunt consules' was answered in true noble style by 'dabunt malum Metelli Nævio poetæ.' Ascon. in Cic. *Verr.* I. 10, 29.

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name marking the conquest of a new country would swell the honours of the noble family of the Metelli. It is true Q. Metellus had not yet had an opportunity, as far at least as we know, of giving proof of military ability; but it may have been supposed that in a war with Jugurtha political honesty and firmness against the seductions of gold were the first requisite; for the previous failures were ascribed to moral, not to military delinquencies. Yet Q. Metellus, if he was pure and incorruptible, had not been able altogether to escape suspicion. At any rate he had been accused of dishonest dealings in the administration of a province where he had acted as prætor. Perhaps we may assume that the accusation was a mere piece of chicanery or a political manœuvre, for he was honourably acquitted by his judges, who were so convinced of his rectitude that they would not even examine his accounts.[1] He was known for a haughty aristocrat and an uncompromising opponent of popular innovations. Nevertheless he received the votes of the people for the consulship of 109 B.C., and upon Numidia being allotted to him as his province, all the means were liberally placed at his disposal for carrying on the war with energy.

Work of Metellus in Africa.

As Metellus had little confidence in the army which had behaved so badly in Numidia, he enlisted a number of new troops to fill up the thinned ranks. His first task on his arrival in Africa was to restore order, discipline, and a proper military spirit. The men who had served under A. Albinus had almost ceased to be soldiers. Their condition is represented as deplorable, and we can easily believe this, though Sallust's desire to draw an effective picture must always be taken into account and should keep us on our guard.[2] Metellus succeeded, by firmness

[1] Cicero, *Pro Balbo*, 5, 11; *Ad Attic.* I. xvi. 4. Valer. Max. II. x. 1.

[2] Sallust, *Jug.* 44. This whole chapter is an elaborate picture drawn in Sallust's favourite style. Unfortunately these performances often produce the impression that the writer consulted his imagination more than his authorities. Sometimes there is an almost total absence of tangible facts, names, and data, and instead of them we find vague generalities and empty phrases. The present chapter (44) is not quite free from these blemishes, but on the

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equally remote from cruel severity as from lenient indulgence, in clearing the camp of a swarm of followers who ministered to the luxury and effeminacy of the soldiers, and in accustoming the troops again to order, to the endurance of fatigue, and to discipline. Watching himself over the execution of his orders, and sharing the soldiers' labours, he produced such a change in the course of the summer that he could think of commencing hostilities. Fortunately during all this time he was not molested by Jugurtha, who seems scrupulously to have avoided offensive movements, as if he still hoped to pacify the Romans, and to keep open the chance of an amicable arrangement.

Efforts of Metellus to corrupt the servants of Jugurtha.

In fact, when Jugurtha saw that Metellus was about to commence active operations, he endeavoured for the third time to open negotiations of peace, and to disarm the hostility of Rome by offering his submission. For this purpose he sent messengers to Metellus, insisting, it is said, only on the one condition that the life of himself and his children should be spared.[1] Metellus did not,

whole it seems to contain more authentic matter than other descriptions of this overpraised master of style. He describes the army of Sp. Albinus as 'iners, imbellis, neque periculi neque laboris patiens, lingua quam manu promptior, prædator ex sociis et ipse præda hostium, sine imperio et modestia habitus.' He says that Albinus kept the army within the Roman province and mostly within camp, never shifting the locality, 'nisi cum odos aut pabuli egestas locum mutare subegerat. Sed neque muniebantur ea (castra) neque more militari vigiliæ deducebantur; uti cuique lubebat, ab signis aberat; lixæ permixti cum militibus diu noctuque vagabantur; palantes agros vastare, villas expugnare, pecoris et mancipiorum prædas certantes agere eaque mutare cum mercatoribus vino advectitio et aliis talibus; prætarea frumentum publice datum vendere, panem in dies mercari; postremo quæcunque dici aut fingi queunt ignaviæ luxuriæque probra, in illo exercitu cuncta fuere et alia amplius.' The condition of the army must have been similar to that which Scipio Æmilianus found on his arrival in Spain. See vol. iii. p. 404.

[1] Sallust, *Jug.* 46, 2: Legatos ad consulem cum suppliciis mittit, qui tantummodo ipsi liberisque vitam peterent, alia omnia dederent populo Romano. This abject pusillanimity seems strange in a man who, after all, was not a robber chief driven into a corner, but king of a large country and leader of a victorious army. If Jugurtha wished for nothing more than his bare life, he was not obliged to treat for it with the Romans. What he wanted was the government of Numidia: To obtain this he was willing to make every possible sacrifice. But the Roman annalists are not satisfied unless the enemies appear thoroughly humbled, and ask for peace and mercy on their knees.

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believe in the sincerity of these offers, always expecting surprises and deep-laid schemes of treachery. Nor was it unnatural that he should have such apprehensions, for he himself was all this time trying to catch Jugurtha in a trap. Whilst he was treating with the king's messengers about peace, he secretly attempted to persuade them to betray their master. The noble Roman seems to have wished to rival the wily barbarian in his own arts. We do not know what sort of offers he made to the king's servants; but they cannot have been honourable to them or to him. He expected them to deliver Jugurtha alive or dead into his hands.[1] Sallust relates these infamous transactions in the coolest matter-of-fact style. It is clear that neither he nor Metellus saw anything disgraceful in an act of treachery against a king who but lately had spared thousands of Roman soldiers whom he might have killed by right of war. The political morality here displayed is very different from that of which the Romans boasted in the times when traitors and assassins were spurned from the Roman camp. We are reminded of the acts of treachery and cruelty usually practised by Roman generals in the Spanish wars, of the murder of Viriathus and the butcheries of too confiding barbarians. Assuredly the Romans were not justified in speaking of the Numidians as a faithless race, as Sallust is not ashamed to do.[2] The charge recoils on their own head along with the similar charge so freely brought against the Carthaginians.

Military operations in Numidia.

Whilst Metellus was playing this double game, holding out hopes of a treaty and at the same time trying to hire an assassin, he entered Numidia with his army.[3] Here

[1] Sallust, *Jug.* 46, 4: Itaque legatos alium ab alio divorsos aggreditur ac paullatim temptando, postquam opportunos sibi cognovit, multa pollicendo persuadet, uti Jugurtham maxume vivum, sin id parum procedat necatum sibi traderent; ceterum palam quæ ex voluntate forent regi, nuntiari iubet.

[2] Sallust, *Jug.* 46, 3: genus Numidarum infidum.

[3] Sallust, *Jug.* 46, 5, does not state the time of this advance. It is, therefore, a matter of speculation whether it was the year 109 B.C. in which Metellus was consul, or the following year. The former seems to be the more likely date, for it is not probable that the whole of his year of office was

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he met with no resistance, Jugurtha apparently wishing to show that he did not consider himself at war with Rome. Everywhere the people were engaged in their ordinary peaceful avocations, received the Romans as friends, supplied them with necessaries, and obeyed the orders of Metellus. Always on his guard against treachery, the Roman general advanced to Vaga, a considerable town, in which there lived a certain number of Italians engaged in trade.[1] He occupied the town without resistance, placed a garrison in it, and made a depôt of provisions for his army. At the same time he continued to negotiate with Jugurtha, but took great care not to make any definite promises, trying only to draw out the negotiations in order to give time to his agents to accomplish their treasonable designs. By-and-by Jugurtha discovered that the words of Metellus did not agree with his actions. He found that he was being deceived by the same arts in the employment of which he was so well skilled himself. Whilst the prospect of peace and reconciliation was held out to him, his country was gradually occupied by the Romans, and his subjects, losing their confidence in him, began to waver in their allegiance.[2]

Battle of the Muthul.

At length he resolved to oppose force by force. He collected his army, and having discovered the direction in which Metellus was marching, he preceded him and took

taken up by Metellus with preparations for war and with negotiations. A part of the summer 109 B.C., indeed, was gone (Sallust, *Jug.* 44, 3: æstivorum tempus comitiorum mora imminuerat) before Metellus reached Africa, and some time was occupied with restoring the discipline of the army (*ibid.* 45, 3: Ita . . . exercitum *brevi* confirmavit), but the campaign was begun and the battle on the Muthul was fought before the hot season was over (*ibid.* 57, 3; 53, 1).

[1] Sallust, *Jug.* 47, 1: Vaga, forum rerum venalium totius regni maxume celebratum, ubi et incolere et mercari consueverant Italici generis multi mortales. The town of Vaga or Vacca (now Bayjah) was situated at no great distance from the frontier of the Roman province, south-west of Utica. Thus we can form an opinion of the direction which Metellus took, of which Sallust, as usual, says not a word. The presence of Italian merchants in Vaga is a confirmation of what we have said above (p. 21) of the alleged massacre of Italians in Cirta. It is not likely that a single Italian would have ventured into Numidia if Jugurtha had committed such an act of ferocity and folly.

[2] Sallust, *Jug.* 48.

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up unobserved a position where he could hope to prepare for him a surprise and a defeat like that which Aulus Albinus had suffered the year before. How far and in what direction Metellus marched from Vaga we do not know, for Sallust does not condescend to mention such trifles. He only names a river Muthul, of which he says nothing more than that it flowed from the south, in that part of Numidia which had belonged to Adherbal.[1] What river the Muthul was remains uncertain; perhaps it was the Rubricatus (now called Seybus), which flows into the sea near Hippo. If so, Metellus on reaching the river was half way between Vaga and Cirta, which latter town, as the capital of Numidia, was probably the object of his expedition. From the river Muthul an arid plain extended for twenty Roman miles, probably in an eastern direction, cultivated and inhabited only in the vicinity of the river.[2] This plain was bordered by a barren range of hills, which the Romans had to cross in order to reach the river. A low spur running from these hills towards the river through the plain was covered with low brushwood. Jugurtha knew exactly what road the Romans would take. He occupied with his troops the spur of the mountain, from which he could attack the right flank of the Romans as they would march from the mountain range towards the river, availing himself of the scanty brushwood to hide his troops from a distant view. As soon as the Romans had issued from the defile in the mountain and had entered the plain, Jugurtha closed the pass behind them to cut off their retreat, and attacked them in the rear and on their right flank. It was evident that Metellus had fallen into an ambush similar to that which Hannibal had laid for Flaminius near Lake Thrasy-

[1] Sallust, *Jug.* 48, 3: Erat in ea parte Numidiæ, quam Adherbal in divisione possederat, flumen oriens a meridie nomine Muthul.

[2] This again is left doubtful by Sallust's silence. As he does not speak of a crossing of the river either before or after the battle, it is most likely that the locality of the battle was on the right or eastern bank. But from Sallust's description it might be difficult for an explorer to identify it. See vol. ii. p. 172.

menus.[1] But fortunately for him Jugurtha was not exactly a Hannibal, and he himself was a cool and experienced soldier and had under his command two excellent officers, Rutilius Rufus and C. Marius. The latter commanded the rearguard. The former was despatched by Metellus to precede the main army and to pitch a camp by the side of the river, so that in case of reverse they might have a place of refuge and could not be cut off from the water, without which horses and men would soon have perished in that arid region. The heat was most oppressive, and clouds of dust rising under the marching columns almost choked them. It was hard work for the heavily packed and tired soldiers to continue their advance under constant attacks from their nimble and light-armed foes. Yet the discipline and tactics of the legions under the guidance of able officers proved a match for the irregular impetuosity of the Numidians. Their ranks could not be broken. All attacks were fruitless, and wherever the Romans assumed the offensive the light troops of Jugurtha gave way without risking a standing fight, and also without sustaining any material loss. Thus the battle continued without a decided result all day. The Romans, exhausted by fatigue and by the heat of the sun, fell gradually into disorder.[2] But Metellus, availing himself of a momentary lull in the battle, drew up his men into a solid body and led four legionary cohorts against the hill where the Numidians were pausing after their repeated attacks. The hill was carried and the enemy put to flight. It was now evening.

[1] Vol. ii. p. 207.

[2] Sallust, *Jug.* 51, 1: Ceterum facies totius negoti varia, incerta, fœda atque miserabilis: dispersi a suis pars cedere, alii insequi; neque signa neque ordines observare; ubi quemque periculum ceperat, ibi resistere ac propulsare; arma, tela, equi, viri, hostes atque cives permixti; nihil consilio neque imperio agi; fors omnia regere. Descriptions of this kind, of which Sallust is very fond, are about as trustworthy as battle pictures in national galleries or illustrated journals. The imagination of the writer as well as the painter is the source from which they flow.

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Jugurtha's design had failed, but the Roman army was still in a precarious position. It was broken up into two parts. Metellus, with the main body, was still a long way from the river and ignorant of the fate of Rutilius. Darkness was closing in, a night attack under these circumstances might have proved as fatal as that which led to the capitulation of A. Albinus. Nay, the position of Metellus was worse than that of his predecessor, for he had no camp ready and did not know whether Rutilius had succeeded in fortifying one, or whether with his exhausted troops he would be able to reach him.

Services of Rutilius.

The consul was extricated from these difficulties by the ability and success of his subordinate. Rutilius had reached the bank of the river, had there thrown up a camp and repelled an attack made upon it by Bomilcar. Anxious about the fate of Metellus, who delayed longer than was expected, he marched out to meet him, though his men were tired and exhausted and the darkness of the night made him apprehensive of accidents. At length the two divisions of the army met, not without some risk of mistaking each other for enemies. They now reached the camp in safety, and passed the night without further molestation.

Results of the battle.

Sallust has tried hard to represent the battle on the Muthul as a glorious victory of Metellus,[1] but without success. Anybody familiar with the descriptions of battles given by Roman writers can see without difficulty that the merit of Metellus consisted in barely escaping a great disaster. The bravery of the Roman soldiers, the discipline and the tactics of the army, balanced, on this as on so many other occasions, the blunders of the com-

[1] The transformation of a report essentially correct into a deliberate lie is generally gradual. It passes through several stages; each successive reporter feels less restrained and gives freer scope to his imagination. But some traits of the original picture somehow slip into all the subsequent narratives. Thus Sallust (ch. 52, 1) lays stress on the 'advorsus locus,' and ch. 54, 5, he admits 'minore detrimento Numidas vinci quam Romanos vincere.' Nor can he greatly modify the general impression, which is decidedly unfavourable to Metellus.

mander.[1] His losses cannot have been small. Sallust himself confesses that he was obliged to stay several days in the camp on the Muthul to nurse the wounded.[2] In what direction he finally marched when he left the camp we are obliged to conjecture for ourselves; for Sallust drops not even a hint about it. It seems that Metellus gave up his advance upon Cirta and retired eastward towards the Roman province.[3] If he had continued to advance in his original direction, he would have had to cross the river Muthul. But of such a crossing not a word is said. Besides, soon after the battle Metellus reappears at Zama, *i.e.* in the direction from which he had advanced. He must therefore have retreated, and this retreat is another proof of the unfavourable issue of the battle. Nor was he allowed to retire unmolested. He was constantly harassed by the Numidian cavalry and had great difficulty in procuring supplies, for he found the crops destroyed by fire and the wells made useless. Jugurtha did not accept a regular battle, but wherever a small party of Romans ventured from the main body it was surrounded and destroyed. After a while Metellus charged Marius to cover the retreat with a portion of his forces, and hastened to the Roman province, which he reached after uninterrupted skirmishes and by a succession of forced marches.

Glorification of Metellus at Rome.

The attempt to invade the interior of Numidia and to march upon Cirta had signally failed; but Metellus had at least brought back his army without the disgrace of

[1] This is also Mommsen's view (*Röm. Gesch.* ii. p. 152), who on the whole forms an exaggerated opinion of the performances of Metellus.

[2] Sallust, *Jug.* 54, 1.

[3] Sallust wishes to produce the impression that Metellus was not compelled to retire, but undertook his march after the battle on the Muthul for the purpose of breaking the resistance of Jugurtha by the devastation of his country, and in the hope of compelling him to make a stand and to accept a battle. Two chapters (54, 55) are filled with big sounding phrases, which mean nothing decisive, and which are quite compatible with the assumption that Metellus succeeded with difficulty in reaching by a circuitous march the place from which he had started. It argues great ingenuity on his part, if he managed to represent the campaign in Rome as a great military exploit. So it was indeed, if it was measured by that of A. Albinus.

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passing under the yoke. So far he was entitled to boast of success, though we fail to see on what ground the people at Rome could receive the news of his exploits, as Sallust says, with immense rejoicings,[1] and how the senate could order public thanksgivings on his account. Perhaps it was in the interest of the nobility to represent their champion as a great hero and to counteract sinister reports which emanated from the camp.[2] It is reported that Marius, who was afterwards openly hostile to Metellus, gave an unfavourable account of what had been accomplished.[3] We may therefore suppose that the public rejoicings were meant to be a counterblast to such insinuations.

Siege of Zama.

If we wanted a proof to show that Jugurtha was to all intents and purposes still master of Numidia, we should find it in the fact that the next operation of Metellus was to lay siege to Zama, a town in the more eastern part of the country.[4] By threatening this important place he hoped to induce the king to advance and to offer battle; and indeed Jugurtha had no sooner heard of the plan of Metellus, than he made haste to reinforce the garrison of Zama by Roman deserters in his pay, men on whose fidelity and courage he could rely.[5] Marius had been despatched with a few cohorts to the friendly town of Sicca to procure provisions. Here he was surprised by the energetic Jugurtha, who had rapidly advanced and tried to intercept him. He succeeded, however, in breaking out of the town and fighting his way to Zama.

Before this town Metellus had erected a fortified camp.

[1] Sallust, *Jug.* 55, 1.

[2] Sallust, *Jug.* 65, 4.

[3] Sallust, *Jug.* 64, 5: Marius apud negociatores, quorum magna multitudo Uticæ erat, criminose simul et magnifice de bello loqui: dimidia pars exercitus si sibi permitteretur, paucis diebus Iugurtham in catenis habiturum.

[4] Sallust, *Jug.* 56, 1: Urbem magnam et in ea parte, qua sita erat, arcem regni, nomine Zamam, statuit oppugnare. These expressions are so vague as almost to justify the suspicion that Sallust had no clear conception of the exact situation of Zama.

[5] Sallust, *Jug.* 56, 2: Quod genus ex copiis regiis, quia fallere nequibant, firmissimum erat.

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Failure of Metellus at Zama.

As Zama was situated in a plain and defended only by a wall, he hoped to carry it by main force without the usual tedious siege-operations. He made a vigorous assault, but whilst he was thus occupied Jugurtha had suddenly advanced unperceived, had penetrated into the camp, and cut down the garrison left in it with the exception of a handful of men who made good their retreat. Metellus was forced to give up his assault upon the walls of Zama and hurry back to recover possession of his camp, which he effected with a few Italian cohorts led by Marius. On the following day both parties resumed their attacks. Metellus tried again to carry the walls of Zama by assault, and whilst he was thus engaged Jugurtha returned to attack the camp. Neither attack succeeded. The town of Zama was bravely defended by the garrison, and the Romans on the ramparts of their camp being this time on their guard easily held their ground. Yet the engagement on both sides lasted all day, and was brought to an end only by the approach of night. Metellus was now convinced that it was useless to persist in his enterprise on Zama. He was probably prevented from laying regular siege to it by lack of supplies, for the expedition of Marius to Sicca which had been undertaken to collect them had been foiled by Jugurtha. He accordingly retreated from Zama, and, after having placed garrisons in some Numidian towns which had fallen off from Jugurtha,[1] returned to take up his winter-quarters in the province of Africa.

[1] Sallust, *Jug.* 60, 61. It would be interesting to know which and how many towns these were. Sallust does not help us much. He only says (ch. 56, 3) that Sicca, whither Marius was sent to fetch supplies, was that town 'which first of all deserted Jugurtha after his defeat.' It seems therefore certain that some Numidian towns were held by Roman garrisons. But if the battle on the river Muthul was not a defeat of Jugurtha, these towns cannot have embraced the Roman side in consequence of it. Now Sallust himself relates (ch. 46, 47) that on his first entering Numidia Metellus was received as a friend, and admitted into the town of Vaga, where he placed a garrison. This he was allowed to do because he held out the prospect of a peaceful arrangement. No doubt he had kept possession of these towns, and they are the places which are here referred to, and of which Sallust speaks as having deserted from Jugurtha.

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Metellus and Marius.

The campaign of 109 B.C. had now come to a close. All that could be said in praise of Metellus was that he had not sustained a signal defeat. But the work which he had been sent to do was still before him. Negotiations had failed, and force of arms had failed more signally. Nobody could maintain that Jugurtha was helpless or that his position was materially weakened. If the war was carried on in the same way, it was impossible to foresee when or how it would come to an end.[1] Even the commander-in-chief must have seen this, and if he failed to see it there was an observer near in the person of Marius quite competent to criticise his mistakes and shortcomings, confident in his own ability, and burning with the ambition to take the chief place himself. There was frequent communication between the army and Rome, and the democratic party there was kept informed of what was going on in Africa. The discontent in Rome was increased by the complaints of the Italian merchants in Africa, a large and influential class whose trade was being ruined by the long continuance of the war.[2] If Metellus did not soon change the aspect of affairs, he could not hope that he would long be continued in the command.

Terms of peace with Jugurtha.

It was therefore most fortunate for him that Jugurtha even after his successful resistance, just as after his signal triumph in the previous year, was animated by the desire to make peace with Rome. Whilst warlike operations were at a standstill during the winter season, the negotiations were resumed. They were carried on through Bomilcar, Jugurtha's most trusted servant, who had undertaken for him to assassinate Massiva in Rome, and whose escape from Roman justice was the cause of the final rupture with Jugurtha.[3] It appears that Jugurtha repeated his offer of submission without stipulating any

[1] Even Sallust, *Jug.* 61, 3, admits this by saying: Quoniam armis bellum parum procedebat.

[2] Sallust, *Jug.* 64: Negociatores, quorum magna multitudo Uticæ erat . . . quod diuturnitate belli res familiaris corruperant.

[3] Above, p. 31.

terms or conditions.[1] He was ready to throw himself entirely on the generosity of the Roman people. Metellus called a council of war of men of senatorial rank in the army and other officers of distinction, and with their approval fixed the conditions of peace. Jugurtha was required to deliver up all his war-elephants, a number of arms and horses, and the enormous sum of two hundred thousand pounds of silver. When Jugurtha had accepted and complied with these conditions, he was ordered to give up all Roman deserters. A few of these had time to escape to Bocchus, king of Mauretania; but the greater part were handed over to the Romans, most of them no doubt auxiliary troops, like the Thracians and Ligurians who are mentioned as having betrayed A. Albinus,[2] and who but lately had defended so bravely the town of Zama. They were now made to suffer the penalty of their treason. Some had their hands cut off, others were buried in the ground up to their waist, and, after having served as targets for Roman spears and arrows, were burnt to death.[3]

Final order to Jugurtha.

Jugurtha had now complied with one demand after another, and might hope that he had given sufficient proof of his sincerity to live in peace with Rome as her humble vassal. But if he thought so he was entirely mistaken. Metellus was convinced that the war would not really be terminated as long as Jugurtha was at large. He therefore made known now his last demand, that Jugurtha should personally appear at a place called Tisidium to receive the orders of the Roman commander.[4] This was an order the king was not prepared to obey. He suspected the sinister intentions of his foes. Perhaps he had heard

[1] Sallust, *Jug.* 61: Mittuntur ad imperatorem legati qui Iugurtham imperata facturum dicerent ac sine ulla pactione sese regnumque suum in illius fidem tradere.

[2] Above, p. 35.

[3] Appian (*Num.* 3) supplies this piece of information. There can be no doubt that the 'Thracian and Ligurian deserters' of whom he speaks, are those referred to by Sallust, *Jug.* 62, 6.

[4] Sallust, *Jug.* 62, 8.

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how the Carthaginians had been treated in their last conflict with Rome, how they were deluded into delivering over their means of defence in the hope of obtaining an honourable peace, and how after all they were treated with ruthless cruelty when they were all but helpless.[1] He too was now almost destitute of the means of defence. He had delivered up arms and money and towns, but not assuredly as a preliminary to deliver himself into captivity. Rather than that he was resolved once more to draw the sword, to appeal to his Numidian warriors and to try the fortune of battle.

Treacherous diplomacy and wiles of Metellus.

The conduct of the negotiations with Jugurtha could perhaps be justified on the principles of Roman diplomacy. But even that impure code of morals would have condemned the treachery which Metellus condescended to practise secretly at the same time. Whilst messengers were coming and going between him and the king, he returned to the scheme[2] of attacking his foe secretly through his own servants. Bomilcar, it appears, was afraid that, if an arrangement were effected between his master and Rome, he himself might become its victim, inasmuch as he might be given up for the murder of Massiva. It was on this apprehension that Metellus operated. He promised to guarantee Bomilcar perfect impunity and all his fortune, if he would manage to

[1] The negotiations with Carthage in 149 B.C. bear, indeed, a perfect analogy with those now in question. Then, as now, a regular submission (deditio) was made, but the last consequences of this submission which the Romans had had in view were not revealed to their enemies until they had complied with the preliminary demands, and had in fact placed themselves in their power. If the Carthaginians or Jugurtha had foreseen what the ulterior designs of the Romans were, they would have resisted them at once, and with a fairer hope of success than they could do afterwards, stripped of their chief means of defence. It was a particularly heinous practice of Roman diplomacy, first to delude an enemy by fair promises, and then, when he was disarmed, to crush him. It was practised on many occasions, especially in wars with barbarians, probably because it could be more easily applied. But Roman agents sometimes succeeded in deluding others also. Comp. vol. iii. p. 212. In the war with Perseus they boasted of nothing so much as of having deluded the king by a truce and the false prospect of peace.

[2] Above, p. 41.

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deliver Jugurtha alive or dead into his hands. Bomilcar, as Sallust reports,[1] entered into this plan, but was betrayed by a fellow-conspirator and expiated his intended treason by death. Metellus, though he failed in his treacherous design, might console himself with the reflection that at any rate he had deprived Jugurtha of his most trusty servant, and had sown in his court the seeds of discord and suspicion.

Renewal of the war.

The negotiations of peace being broken off, the war continued; but the chances of Jugurtha, who had so considerably weakened himself, were greatly diminished. His first task was, like that of the Carthaginians after they had stripped themselves of the means of defence,[2] to supply the deficiency.[3] The Romans of course never dreamt of restoring what they had obtained. It was not their practice to surrender an advantage, even if they had not performed the conditions on which they had secured it; and on the present occasion this advantage was very much greater than appears on the surface in Sallust's one-sided, imperfect, and partial report. He only speaks of money, arms, and soldiers as being given up by Jugurtha. But it follows from the subsequent events that more important pledges were given, and that Metellus had insisted on placing garrisons in several Numidian towns. One of these towns appears to have been Vaga, situated not far from the frontier of the Roman province.[4] Metellus had

[1] The coolness of Sallust's words is highly significant, ch. 61, 3: Sed quoniam armis bellum parum procedebat, Metellus insidias regi per amicos tendere et eorum perfidia pro armis uti parat, &c., chap. 70–72. The conduct of Bomilcar appears very foolish. According to Sallust (ch. 62) it was he who first advised Jugurtha to make peace, and yet he was the man who feared that as a condition of peace he would be given up to punishment. The story how the conspiracy was discovered (ch. 70–71) is quite childish. Nabdalsa, the chief fellow-conspirator, receives a letter from Bomilcar urging him to the deed. He puts the letter on his pillow and goes to sleep. An attendant glides into the apartment, finds the letter, and takes it to Jugurtha, &c.

[2] Vol. iii. p. 336.

[3] Sallust, *Jug.* 66, 1: Interim Jugurtha . . . . arma tela aliaque quæ spe pacis amiserat, reficere et commercari.

[4] Sallust, *Jug.* 66, 2: Igitur Vagenses, quo Metellus initio Iugurtha pacificante præsidium imposuerat . . . . inter se coniurant. This is a very im-

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at once placed a garrison in it under the command of T. Turpilius Silanus. The people of Vaga may with good reason have had a grudge against these troops.[1] During the celebration of some festivity they suddenly rose and killed all the Roman soldiers, with the exception of their commander Turpilius who managed to escape. Fortunately Metellus succeeded only two days afterwards by a stratagem in surprising the town. His contingent of Numidian cavalry which preceded his infantry was mistaken by the people of Vaga for troops of Jugurtha and met with open arms. When they discovered their error it was too late; the town gates were kept open, and the Romans rushed in and inflicted the punishment natural under such circumstances, indiscriminate slaughter and plunder. Turpilius, who had preferred flight to an honourable death with his comrades, was tried by a court martial, condemned to death, and executed. Being not a Roman citizen but a Latin, he was first scourged and then beheaded.[2]

National resistance of the Numidians.

The circumstance that a town like Vaga, situated close to the Roman frontier and a principal resort of Italian

portant passage, from which we learn incidentally, what lies almost hidden under the skilfully disingenuous narrative of Sallust, that Jugurtha surrendered some fortified towns. For if Metellus placed a garrison in Vaga 'during the negotiations for peace' (Iugurtha pacificante) in the winter season 109–108 B.C., this cannot have been an act of war; it must have been done in pursuance of one of the preliminary conditions of peace. Now, though Sallust conceals this fact, and does not mention any other towns of which Metellus gained possession, we cannot think that Vaga was the only one. We shall presently find reason to suspect, that Cirta, the most important place in all Numidia, was in this way and at this time surrendered to the Romans. See below, p. 56.

[1] According to Sallust (*Jug.* 66, 2) they were 'fatigati regis suppliciis.'

[2] Sallust (*Jug.* 69, 4): Turpilius iussus a Metello causam dicere, postquam sese parum expurgat, condemnatus verberatusque capite pœnas solvit: nam is civis ex Latio erat. Vol. iv. p. 191. Plutarch's report (*Marius*, 8) of the punishment of Turpilius seems inspired by hostility to Marius. According to him Metellus wished to save Turpilius, who was a client of his house. But for Marius this was a reason for insisting on his punishment. Plutarch adds that Marius afterwards boasted that he had compelled Metellus to put his own friend to death; but he is silent on the massacre of the Roman garrison, and he even says that the innocence of Turpilius came afterwards to light.

tradesmen, should have evinced such hostility to Rome, is the more remarkable, as in the year before it had received the Roman army as friends. It seems that the Numidians, far from deserting their native king, rallied round him as the defender of their national independence. They had probably by this time had ample opportunity of becoming acquainted with the rapacity and insolence of the Roman officers and soldiers. The war, which at first concerned only the claimants to the throne, had now become a national war, and Jugurtha had perhaps gained by this change what he had lost by the credulity which made him sacrifice so much to a vain hope of peace.

Siege and capture of Thala.

For the year 108 B.C. the command in Numidia had been prolonged to Metellus, thanks to the glowing reports of military success which he had sent home, and which the nobility had taken care to magnify. His success was in reality very considerable, but it was gained by his crafty diplomacy, not by his arms. It was indeed desirable that he should be left at the head of affairs, for if negotiations or intrigues could bring about the overthrow of Jugurtha, he had proved his ability for the task. But for the present negotiations had been broken off, and Metellus was obliged to resort to arms. According to the report of Sallust he defeated Jugurtha in a battle, and compelled him to take refuge in the desert.[1] Here he was pursued by Metellus, who, after a laborious march through waterless steppes, at last arrived before Thala (or Thalepte), a rich and populous town in the eastern part of Numidia to the south of the Roman province.

[1] Sallust, *Jug.* 74, 2: Sed inter eas moras reponte sese Metellus cum exercitu ostendit: Numidæ ab Iugurtha pro tempore parati instructique; dein prœlium incipitur. Qua in parte rex pugnæ affuit, ibi aliquantum certatum; ceteri eius omnes milites primo congressu pulsi fugatique. Romani signorum et armorum aliquanto numero, hostium paucorum potiti. This is an attempt at a description of a battle for which the writer had no data whatever, and it looks very much like a mere fiction. There may have been numerous encounters between Romans and Numidians, and the Romans may have had the better of them; but if a real *bonâ fide* battle had been fought, we should have a very different narrative.

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The king's chief treasures [1] and his sons were deposited in this town. But when at length Metellus arrived before it, he found to his disgust that the king had preceded him, and had removed his family and the greater part of his treasures. Nevertheless he resolved to lay siege to the place. He took it after forty days' hard fighting, but found that the booty hardly repaid the trouble, for the Roman deserters who formed part of the garrison, knowing what fate awaited them if they fell into his hands, had burnt all articles of value and themselves with them.

Transference of the war to Cirta.

Hitherto the war had been carried on exclusively in the eastern part of Numidia bordering on the Roman province. But after the taking of Thala, Metellus is suddenly as by magic transplanted to the neighbourhood of Cirta, a distance of at least two hundred miles westward. Not a word is said of the march to this place, nor of its siege or capture. It was almost impregnable by the nature of the ground, and had been taken by Jugurtha only after a protracted siege. No doubt Jugurtha had not weakened the strength of a place which was the capital and centre of his dominions. How did it happen that all of a sudden the Romans were in possession of it? If they had taken it by force, would not Metellus have boasted of so great a feat, and would not Sallust have delighted in giving a glowing description of the siege? Instead of this he quietly refers to the Romans being in possession of Cirta as if it were a matter of course.[2] It

[1] Sallust, *Jug.* 75, 1: Oppidum magnum atque opulentum, ubi plerique thesauri, &c. It is a little strange that we hear so much of Jugurtha's treasures (p. 34, n. 3. *Jug.* 92). There seems to have been no end of them. After all the money spent in bribery and in payments for the purchase of peace, Jugurtha still has accumulated treasures, as if his country had abounded in gold mines. We cannot help thinking that the imagination of the Roman writers has gone a little beyond the mark.

[2] Sallust, *Jug.* 81, 2. Perhaps there is more skill and design in Sallust's narrative than lies on the surface, and the omission of which we complain is caused not by negligence, but by a desire to conceal the truth. The long digression about Leptis, Carthage, and Cyrene, which fills three chapters (77–80), is calculated to make the reader forget the course of operations. Besides, as few readers bear in mind the geographical configuration of the country and the distances of the different places, a jump from Thala to Cirta

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is impossible for us to slur over the difficulty in this fashion. We must find an explanation for a fact so startling, and our explanation is that Cirta was given up to the Romans along with Vaga and other towns as one of the conditions of the peace which Metellus had promised to conclude with Jugurtha in the course of the preceding winter (109–108 B.C.). Thus the impregnable fortress, the capital of Numidia, passed without a struggle into the hands of the Romans, and Metellus could easily shift the basis of his operations from the Roman province, where it had hitherto been, to the centre of Jugurtha's kingdom without encountering any opposition on the way, as in the previous campaign.

Alliance between Jugurtha and Bocchus, king of Mauretania.

Without having suffered a single decisive defeat in the field, Jugurtha had now lost that part of Numidia which had belonged to Adherbal. He was obliged either to give up the contest or to look for foreign help, and he now applied to Bocchus, king of Mauretania. This potentate, though he was Jugurtha's father-in-law, had hitherto shown no very friendly disposition. His affinity did not count for much, for where polygamy prevails family ties are very weak.[1] He had in the beginning of the war offered his services to Rome, but had been told that they were not wanted.[2] He had therefore remained neutral. But when he saw that Jugurtha was on the point of losing his hold on his kingdom, he unexpectedly joined his cause and openly declared against Rome. According to Sallust, this change of his policy was the work of bribes which Jugurtha had lavished on his intimate advisers.[3] But this 'deus ex machina' with which Sallust solves every difficulty, seems quite out of place here. It is in the highest degree unlikely that Bocchus was a tool

would be easily overlooked, if the writer could, like a conjuror, engage the attention of the public by some irrelevant talk.

[1] Sallust, *Jug.* 80, 6: Verum ea necessitudo apud Numidas Maurosque levis ducitur, quia singuli pro opibus quisque quam plurimas uxores, denas alii, alii plures habent, sed reges eo amplius. Ita animus multitudine distrahitur: nulla pro socia obtinet; pariter omnes viles sunt.

[2] Sallust, *Jug.* 80, 4.

[3] Sallust, *Jug.* 80, 3.

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in the hands of an omnipotent vizier. He was a crafty, vigorous, and bold barbarian, and he no doubt saw that if the Romans were victorious in Numidia, it would soon be his turn to be exposed to their aggression. He would not have scrupled to make an alliance with them against his son-in-law, if only he could have gained something by it. The Romans had probably rejected his offer, because in the beginning of the war they thought they would not need his help, and did not care to be under obligations to him and to pay him a price for his services.[1] Now he turned round upon them, and soon made them feel how serious a mistake they had made.

Negotiations between Metellus and Bocchus.

The two African kings, uniting their respective forces, advanced upon Cirta, in the neighbourhood of which town Metellus occupied an entrenched camp. A collision seemed imminent; but Metellus had two reasons for delaying it. He was in hopes of gaining more by negotiations with Bocchus than by force. On the field of diplomacy he was in his own style a master, and he could risk nothing. He accordingly began by advising Bocchus to leave Jugurtha to his fate. The reply of Bocchus was encouraging. Messengers went and came between the two; yet in the end nothing was effected but the delay of military operations, which perhaps was the chief end that Metellus had all the time had in view.

First consulship of C. Marius. Indignation of Metellus at the election.

Hitherto he had entertained the hope that the command in Numidia would be prolonged to him at least for another year, so that he might have the honour of finishing the war and returning to Rome as the conqueror of Numidia. But he had just heard that C. Marius had been elected consul, and that a resolution of the comitia had conferred upon him the command against Jugurtha. This was too much [2] for his proud and haughty temper to bear.

[1] Sallust, *Jug.* 80, 5, explains this rejection of the offer of Bocchus, as all the other errors of Roman diplomacy, by the dishonesty and greed of illicit gain prevailing in Rome.

[2] Sallust, *Jug.* 82, 2: Supra bonum atque honestum perculsus neque lacrumas tenere neque moderari linguam . . . . nimis molliter ægritudinem

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He was stung to the quick, and even shed tears from spite and vexation. To be superseded in his career of victory by another might have been borne, if this other had been his equal, a man of noble birth and high connexion; but to be turned out by his late lieutenant, by a 'new man,' was a mortification and a disgrace that fairly unmanned him. Could it be expected of him that he should push on his military operations, that he should endanger the reputation he had gained,[1] or so prepare the harvest of glory that his hated successor should have nothing to do but to come and gather it? Rather than that he would under any pretext remain quiet, and hand over the war to Marius with all its toils and risks.

Jealousy of Metellus for Marius.

It was now seven years since Marius had been prætor,[2] a much longer time than usually elapsed between the prætorship and the next and highest step of the official career of a Roman, the consulship. In the year 109 B.C. Metellus had taken him to Africa as his legate,[3] little thinking, no doubt, that Marius was aspiring to be anything more than a favourite servant of a condescending master. But Marius was conscious of his military ability, and impatient to see it acknowledged. To obtain in due course of time the consulship, he lacked nothing but noble descent or a favourable opportunity. The latter he now thought had arrived. He felt that he was the man to make an end of the African war, and he determined to aspire to that dignity, which once attained would admit him and his descendants to the coveted circle of the Roman nobility. But when he ventured to inform the com-

pati. . . . . Nobis satis cognitum est illum magis honore Mari quam iniuria sua excruciatum, &c.

[1] Sallust, *Jug.* 83, 1: Stultitiæ videbatur alienam rem periculo suo curare. The expression 'aliena res' is highly characteristic of the character of such a man as Metellus. He evidently looked upon the overthrow of an enemy of Rome as a matter which concerned not the public, but the general in command. Similar sentiments are ascribed to other annual officers, such as the intentional neglect of the army or stores for the purpose of preparing difficulties for a successor. Vol. iii. p. 396, note 2; and below, ch. xi.

[2] Cicero, *De Off.* III. xx. 79.

[3] Plutarch, *Mar.* 7.

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mander-in-chief of his intention, he was disdainfully refused all encouragement. A man like Metellus considered it an audacious presumption and a violation of sacred rights, if a plebeian dared to think it possible for him to cross the magic line guarded by the ancestral images of the nobility as by protecting deities.[1] When Marius first asked for leave of absence, Metellus remarked sarcastically that there was no need for haste, as he might well wait with his candidature until the son of Metellus was old enough to aspire to the honour of the consulship. Marius was then nearly fifty years of age, and young Metellus only twenty. To take his superior's advice, Marius ought therefore to have waited till he was upwards of seventy. He was stung by the insult, and never forgot it. He was not the man to be cowed by insolence or to give up his plan. He repeated his demand for leave of absence. No doubt he had a right to insist upon it. If it had been again refused, he would probably have imitated Caius Gracchus, and gone to Rome without formal permission. The votes of the people would have guaranteed him from the consequences of his insubordination. Metellus, foreseeing this, allowed him to depart from Africa a few days before the time fixed for the election.[2]

Causes favouring the election of Marius.

In Rome the prospects for a candidate like Marius were favourable. Metellus, the champion of the nobility, had failed to perform what was expected of him. His

[1] Sallust, *Jug.* 64, 2: Itaque Metellus primum commotus insolita re (the intention of Marius to become a candidate for the consulship) mirari eius consilium et quasi per amicitiam monere, ne tam prava inciperet neu super fortunam animum gereret: non omnia omnibus capiunda esse; debere illi res suas satis placere; postremo caveret id petere a populo Romano quod illi iure negaretur.

[2] Sallust, *Jug.* 64, 73. Plutarch, *Mar.* 8. As the consuls at that time entered upon office on the first of January, the election probably took place in the month of November. Marius therefore remained in Africa during the second campaign of Metellus, 108 B.C., and only left late in the autumn, or rather in winter, for owing to the irregularity in the calendar, the dates were a couple of months in arrear of the proper season. From Sallust's narrative (ch. 73, 1) it would appear that Marius left for Rome before the commencement of the campaign of 108 B.C.

party were discouraged and intimidated by the conviction of Bestia and his accomplices, which took place in consequence of the Mamilian rogation.[1] The democrats, on the other hand, had gained confidence in themselves. Why should they not bring forward a candidate of their own party? Their leaders hitherto had been only talkers, not soldiers. Thus it was that the two Gracchi had succumbed to their opponents. Now for the first time the popular party could boast of a military man in their ranks. If he was placed at the head of affairs, their cause might at length remain triumphant. CHAP. VIII.

Thus it was that when Marius appeared in Rome he found his election for the year 107 B.C. assured. He did not require and had no time for a long electoral agitation, probably to his own great satisfaction, for he had neither skill nor liking for the practice of canvassing, which required a candidate to profess himself the humble servant of every unwashed elector. No demagogue ever possessed fewer of the qualities likely to secure the favour and the confidence of the multitude. Born and bred in the country, trained from his youth upwards to the profession of arms, and having grown up amid the toils and dangers of uninterrupted war, he thoroughly understood military affairs, and he understood nothing else. The business of the forum, the arts of the politician and the diplomatist, the learning of books, the taste for the fine arts, for literature, and for the more refined and luxurious enjoyments of life, everything that distinguished a Roman noble at that time, were unknown or even distasteful to him. But so were also the crooked ways, the dishonesty and rapacity which had become almost venal by the universal habit of the men in high office. He was free from the vices of his noble rivals except one, the worst and most fatal of all. He was animated by a fierce ambition, the fire of which hardened all his virtues into vices and withered all the tender and delicate feelings of the heart. We cannot Early training and character of Marius.

[1] Sallust, *Jug.* 73, 7: Ita perculsa nobilitate post multas tempestates novo homini consulatus mandatur. Above, p. 37.

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pronounce his name without a sentiment of admiration and of horror, but in the end horror prevails.

The conduct of the Numidian war entrusted to Marius.

The election of Marius for the consulship of the year 107 B.C. was a decided victory of the popular party. Marius was able to boast, that in his contest with the nobility he had carried off the consulship as the spoils of victory.[1] The senate, acting in the interest of Metellus, had endeavoured to continue him in the command of the Numidian army, and had in accordance with a Sempronian law,[2] even before the consular election, fixed the provinces for the ensuing year, so that Numidia was not one of them.[3] By this decision Marius was to be cut off from the chance of becoming the successor of Metellus, and the senate intended that the latter should remain and finish the war. But this was not the stake for which Marius had thrown. Nor were his friends among the democratic party content. On the motion of a tribune of the people the previous decree of the senate in favour of Metellus was reversed, and the command against Jugurtha was given to Marius.[4]

New levies raised by Marius.

The first care of Marius after his election was to collect reinforcements for the army in Numidia. Levies were made in Rome and among the Italians, and auxiliary troops were collected from friendly states. Above all other kinds of soldiers veterans were welcome to Marius, and many were induced by liberal promises to take service in Africa.[5] That service, as it would appear, was no longer so popular as in the beginning of the war. The senate therefore allowed Marius full liberty in his preparations, hoping that he would encounter the displeasure of the people by the necessity of forcing a number of men to en-

[1] Sallust, *Jug.* 84, 1: Dictitare sese consulatum ex victis illis spolia cepisse.

[2] Vol. iv. p. 466.

[3] We are not informed which provinces were destined for the two consuls of 107 B.C.; at least the one which would have fallen to the lot of Marius is not known. His colleague L. Cassius Longinus was sent to Gaul, where he was routed by the Tigurini.

[4] Sallust, *Jug.* 73, 7.

[5] Sallust, *Jug.* 84, 2. On the employment of veterans, see vol. iv. p. 363.

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list against their will. But Marius knew how to get out of the difficulty. He spared the citizens of the middle class and enlisted mostly memqers of the lowest century, men who possessed not even the minimum assessment of the fifth or last class, and were ranked in the censorial lists as 'capite censi,' men merely counted as so many heads.[1] These men were as much subject by law to compulsory military service as any other class of Roman citizens,[2] but they were generally passed over, because it was not considered safe and dignified to entrust the privilege and duty of bearing arms to men who could call nothing their own but their limbs. But in times of extraordinary emergencies they were called upon to serve by land or by sea. On the present occasion Marius availed himself of this legal right, and enlisted by preference men of the lowest class for the supply of the army in Africa.[3]

Change in the character of the Roman army.

The motive which determined Marius to adopt this unusual measure was not so much the difficulty of finding other recruits as the desire to have men in the army who

[1] The 'capite censi' were originally, what the name implies, men reckoned by heads, not ranked according to a property qualification. They consisted of those citizens whose property amounted to less than the assessment of the fifth class. This assessment was lowered from time to time, but it always excluded a number of citizens who possessed nothing or next to nothing, so that it was not worth while to specify the amount. These 'capite censi' were, however, Roman citizens, and were counted in the lists. There is no proof whatever that, as has been supposed, they were at any time omitted in the official lists.

[2] This is distinctly stated by Polybius, VI. xix. 2: τούτους (the men assessed below 4,000 asses) παριᾶσι πάντας εἰς τὴν ναυτικὴν χρείαν· ἐὰν δέ ποτε κατεπείγῃ τὰ τῆς περιστάσεως ὀφείλουσι καὶ πεζῇ στρατεύειν εἴκοσι στρατείας ἐνιαυσίους. Liv. x. 21, 3: His nuntiis senatus conterritus iustitium indici, delectum omnis generis hominum haberi iussit. Nec ingenui modo aut iuniores sacramento adacti sed seniorum etiam cohortes factæ libertinique centuriati. Before these freedmen were enlisted, the 'capite censi' were surely called upon to perform the military duty to which they were subject by law. Still more certain is it that in 216 B.C. the Romans did not adopt the extreme measure of arming slaves before the poor freemen had furnished their contingent. Vol. ii. p. 248.

[3] Sallust, *Jug.* 86, 3: Ipse interea milites scribere, non more maiorum neque ex classibus, sed uti cuiusque lubido erat, capite censos plerosque. Plutarch, *Mar.* 9, relates that Marius also enlisted slaves. This is highly improbable. It is an anticipation of what was sometimes practised in the civil wars. See Plutarch, *Sulla*, 7; *Mar.* 41. Flor. iii. 21.

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would be his personal dependents and attached to him as the head of the popular party. As yet he was probably far from dreaming that he ever would have to make such use of them as he did towards the end of his career in his desperate struggle for supremacy. But he knew that Metellus had many friends in the army, and he was obliged to counterbalance their influence by a party of his own. The military organization of Rome was inseparable from a great evil. It allowed the civil disputes of the forum to be transferred into the camp, and now the time was approaching when the Roman armies were no longer, as they had formerly been, animated only by loyalty to their common country. They began to feel a personal attachment to their chiefs, and of course the chiefs, as they became party leaders, endeavoured to secure for themselves the loyalty of the troops which was due to the state. Thus it happened that the example of Marius acquired such importance in the history of Rome. The soldiers whom he raised to serve him in Numidia were looked upon, and indeed were to a certain extent, the pattern for those with whom afterwards Cæsar crossed the Rubicon.

Return of Metellus to Rome.

Before the end of the year 108 B.C. Metellus, as we have seen, had discontinued military operations and confined himself to negotiations with King Bocchus. When these too had ended in failure, he saw that he would have to leave the work of pacification to his hated successor. However, to hand over to him the command personally was a humiliation to which he could not bring himself. Without waiting for his arrival, he left the army in the command of his legate, Rutilius Rufus, and returned to Rome. Here he was to some extent consoled for the vexation he had suffered. His party in the senate took care to see him received and honoured as the conqueror of Numidia. A triumph was awarded to him, he assumed the proud name of Numidicus, and a few years later, 102 B.C., he was elected to the censorship, the most dignified and honourable office to which a Roman citizen could aspire.

Yet although a triumph had been celebrated over

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Policy of Bocchus.

Numidia, a good piece of work was left to be done by Marius. Jugurtha had lost by the superior craft of his opponent the whole of eastern Numidia, with the capital Cirta; but it appears that some places had either not been surrendered or had been regained by him. On the other hand, his loss of troops and treasure had been repaired by the acquisition of a powerful ally. Bocchus had been at one time ready to serve Rome, but had been rejected. He had then a second time renewed negotiations, which also failed. The reason why they failed is not stated. No doubt the conditions upon which he offered his alliance seemed unacceptable. What they were we are not told, but we may conjecture them from what happened at the end of the war. When he had delivered up Jugurtha into the hands of Sulla, he received the western part of Numidia. What is more likely than that he stipulated for this price throughout? Being refused by Metellus and by Marius, he made common cause with Jugurtha, hoping to obtain by his help what he coveted. We shall see that he succeeded in the end, though indirectly, by convincing the Romans that they must buy his help at the price he asked.

First operations of Marius against Jugurtha.

During the first weeks of the summer of 107 B.C. Marius was busy accustoming his fresh troops to the hardships of African warfare. He was eminently fit for a task of this kind, for he was himself capable of performing the work of a common soldier, and as willing to share their toils, privations, and dangers, as he was anxious to gain their affection by indulgence and mildness.[1] When he had his army well in hand, Marius began operations with some successful razzias, liberally distributing all the booty to his soldiers. He took several of the smaller and ill-

[1] Plutarch, *Mar.* 7, has a good description of the conduct by which Marius made himself popular in the army. Sallust, 92, 2: Milites modesto imperio habiti simul et locupletes Marium ad cœlum ferre. Ch. 100, 5: Et sane Marius illoque aliisque temporibus Iugurthini belli pudore magis quam malo exercitum coercebat; quod multi per ambitionem fieri aiebant; pars quod a pueritia consuetam duritiam et alia quæ ceteri miserias vocant, voluptati habuisset, ch. 87.

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protected towns, and practised his men in slight encounters with the enemy. In a short time his recruits had learnt their duty and had thoroughly coalesced with the old troops into one solid body.[1] He was successful in all encounters, took several towns and castles, and routed Jugurtha in the neighbourhood of Cirta.[2] Yet on the whole no great impression seems to have been made either on Jugurtha or on Bocchus. The latter continued by repeated messages to make protestations of his friendly disposition. It seems he was trying whether the new commander-in-chief was more accessible to his proposals than Metellus, and more inclined to accept his alliance on such terms as he desired.

Expedition of Marius against Capsa.

Marius had commenced his operations in the vicinity of Cirta.[3] We should have inferred from this that all that part of Numidia which lay eastward was by this time held by the Romans. It is therefore matter of some surprise that we find Marius presently engaged on an expedition against Capsa, a town several miles to the south of Thala or Thalepte, captured by Metellus the year before. The road to the oasis of Capsa lay through a dreary desert, and it seemed impossible, as Sallust remarks, with human foresight alone, to provide against the obstacles it presented; but Marius, trusting in the aid of the gods, without however neglecting to take all necessary precautions against failure, reached after six days a river called Tana,[4] supplied himself here with water by filling the skins of the slaughtered animals, and pushed on his march in the night time, leaving all the baggage behind, and carrying only food, water, and arms. After three nights he reached the immediate vicinity of Capsa, captured a number of the townspeople who, apprehensive of no danger, were overtaken outside the walls, and made a dash at the gates. A storm was not necessary. The people of Capsa, in the hope of saving the lives of those who had fallen into the hands of the Romans, at once surrendered: and now

[1] Sallust, *Jug.* 87. [2] Sallust, *Jug.* 88. [3] Sallust, *Jug.* 88, 3.
[4] Sallust, *Jug.* 90, 2. This river is not otherwise known.

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Marius set an example of the utmost severity, or rather cruelty, which Roman generals were capable of when they thought that the exigencies of war required it. He caused all the people of Capsa capable of bearing arms to be killed, the rest to be sold as slaves, the town to be plundered and burnt. This he did, as Sallust remarks, in violation of the rights of war,[1] but not out of wanton cruelty or greed; his only motive was to destroy a place which was of importance to Jugurtha and difficult of access to the Roman army, and to punish the Numidians, who were a faithless and fickle race that could neither be conciliated by generosity nor subdued by fear.

Capture of many Numidian towns.

The destruction of Capsa was followed by that of several other towns, most of which were deserted by their inhabitants on the approach of the Roman army. Thus the eastern part of Numidia, the former kingdom of Adherbal, was cleared of the enemy, and Marius was now in a position to turn westward, and to pursue Jugurtha to his last places of refuge, with the prospect of the co-operation of King Bocchus, if that should appear to be necessary.

Difficulties in the way of Marius.

The expedition to Capsa had taken place towards the end of summer 107 B.C.[2] There was just time after this for the reduction of the remaining towns and for the return to Cirta, where, apparently, the winter quarters were taken. In the following year, 106 B.C., Marius started westward and penetrated as far as the river Mulucha, which formed the boundary between Numidia and Mauretania.[3] It does not appear that he met with any serious

[1] Sallust, *Jug.* 91, 7: Id facinus contra ius belli non avaritia neque scelere consulis admissum, sed quia locus Iugurthæ opportunus, nobis aditu difficilis, genus hominum mobile, infidum, ante neque beneficio neque metu coercitum. It appears from this cool statement, that Sallust entirely approved of the proceedings of Marius.

[2] Sallust, *Jug.* 90, 1: Æstatis extremum erat.

[3] Sallust, with his usual carelessness in matters of chronology and geography, does not even hint at the time when this expedition was undertaken, nor how long it lasted, or what the distances were. We are therefore obliged with the help of the map to establish the chronological order. Marius began his operations not long after his arrival in Africa from the neighbourhood

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resistance, and he might fancy that the whole kingdom of Numidia was already in his grasp. But now his difficulties began. He could neither overtake Jugurtha nor induce him to make a stand and give battle. There were no towns of importance in the western part of Numidia which might have served the Roman army in holding possession of the country. The further they marched westward the more precarious was their position, away from their base of operations and their supplies; for, curiously enough, it does not seem that the neighbourhood of the coast was of any use to them, and that no Roman fleet co-operated with the land army. If, without striking a decisive blow, Marius was obliged to march back, he was exposed to great dangers, for he might expect that his active antagonist would not miss a chance of obstructing the retreat.

Successes of Marius

At length, not far from the Mulucha, resistance was encountered. There was in this extreme western portion of Jugurtha's dominions a fort, in which he had secured what remained to him of his treasures. Its name is not recorded, and it does not seem to have been a place of importance. Marius sat down before it, and was anxiously pushing on the siege without hope of success for many days, when he was delivered from his critical position by the skill and daring of a nimble-footed Ligurian soldier in his army, who, with a handful of men, climbed up the face of precipitous rocks, and entered the fort from behind whilst Marius was attacking it in front.[1]

of Cirta (Sall. *Jug.* 81, 3). Thence he marched to Capsa at the end of summer (Sall. *Jug.* 90, 1), a distance of at least 200 Roman miles, and back to Cirta, capturing and destroying several places on the way. From Cirta to the Mulucha is a distance of more than 600 Roman miles. In Africa the country would hardly admit of a march of twenty miles a day, which, as Vegetius, i. 10, says, was a regular day's march for the legions. But even if we reckon not more than a month for the march to the Mulucha, and a month for the return march, it was clearly impossible to accomplish so much in the remainder of the year 107 B.C. after the expedition to Capsa. It is necessary to suppose that Marius spent the winter season in Cirta, and started on his distant expedition in the following year.

[1] Sallust, *Jug.* 93, 94, gives a minute description of this feat, which is perhaps the best specimen of imaginative scene painting in the whole range of the historical literature of Rome.

CHAP. VIII.

First meeting of Marius and Sulla.

Whilst Marius was encamped before this insignificant border-fort at the extreme west of Numidia, he received a reinforcement of Italian horse, under the command of L. Cornelius Sulla, his future rival and deadly enemy. This was in all probability the first time that these two extraordinary men met face to face. Marius was already the renowned general, the chief man of the democratic party. Sulla was as yet unknown to fame. As quæstor he had only just mounted the lowest step of that ladder of which Marius had already reached the top. He had not yet much experience in war;[1] but he was an uncommonly docile pupil, and he had now a most able teacher, so that in a very short time he rose to be a consummate master of the art. It was not long before he had an opportunity of showing this. It appears that the capture of the rocky fort near the Mulucha was so far the only serious encounter in the campaign. But it was barren of results, for the Roman general failed to retain possession either of the fort or of any part of western Numidia. At this great distance from the basis of operations and from his sources of supply, in the midst of a difficult country and a hostile population, he could have maintained himself only if he had had a powerful native auxiliary. Perhaps he had hoped to secure the alliance of Bocchus. But this potentate had after long hesitation declared himself in favour of Jugurtha, who had promised him the third part of Numidia[2] after the final defeat and expulsion of the Romans, or after the conclusion of a peace which would leave him the possession of his whole kingdom.[3]

[1] Sallust, *Jug.* 96: Sulla . . . . rudis antea et ignarus belli sollertissimus omnium in paucis tempestatibus factus est.

[2] A promise like this, one would fancy, was in itself sufficiently attractive and tempting enough to decide Bocchus in favour of Jugurtha. Yet Sallust again has something to say about bribes (rursus ut antea proxumos eius donis corrumpit, *Jug.* 97, 2). See above, p. 57, note 3.

[3] Sallust, *Jug.* 97, 2: Quem (Bocchum) ubi Jugurtha cunctari accepit . . . . pollicetur Numidiæ partem tertiam, si aut Romani Africa expulsi, aut integris suis finibus bellum compositum foret. We see that even now Jugurtha entertained the hope that he would be able to maintain himself as king of

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Retreat of Marius from the Mulucha.

This was the prize which the persistent barbarian had aimed at from the beginning. In all probability he would not have scrupled to declare against Jugurtha if the Romans had made him the same promise. We have seen that he had met with a refusal, because his services were not considered indispensable, and it was not in the interest of Rome to enlarge Mauretania. He had it now in his hand to show the importance of his alliance and to make the Romans repent their decision. He united his forces with those of Jugurtha, and when Marius had begun his retreat from the Mulucha to Cirta, the two princes followed in his track and endeavoured to cut him off.

Difficulties of the march.

It is not likely that Bocchus would have ventured on so bold a line of action, if the position of the Roman army had been such as to inspire awe. What its real situation was is purposely concealed by the boastful mendacity of the Roman report. Nevertheless so much is evident, that the return march to Cirta was not that of a triumphant army which has crushed its enemy and returns laden with glory and trophies. The Romans were followed and harassed by the Numidians and Mauretanians. Twice they found their road barred, and had to fight pitched battles to open it and to continue their march. On the first occasion they were evidently in very great danger of being cut off. They were suddenly attacked by the enemy towards evening, in marching order and unprepared for battle. After a desperate fight they were broken into two bodies and forced to seek refuge for the night on two separate hills. On the morrow Marius fought his way through the enemies and finally dispersed them.[1] He continued his march to Cirta, but before he

Numidia. It is therefore probable that in his negotiations with Metellus he never meant to resign his claim.

[1] The account of this battle given by Sallust is (*Jug.* 97 ff.) extremely curious, and characteristic of his style of writing. One can see that he had some genuine facts to go upon. But the substratum of truth is so covered with fiction that it is impossible to form a clear conception of what the truth really was. The Romans were attacked on their march: priusquam exercitus aut instrui aut sarcinas colligere, denique antequam signum aut imperium ullum accipere quivit, equites Mauri atque Gætuli . . . . in nostros concurrunt; qui omnes

could reach this place he was again overtaken, surrounded on all sides, and assaulted with such vehemence that for some time his position was extremely critical, until at length a great reverse was averted by a skilful manœuvre of Sulla.[1]

Result of the campaign.

At last Marius arrived with his army at Cirta and went into winter quarters. The entire campaign of 106 B.C. had been taken up with the long march to the river Mulucha, the capture of the mountain fort near that river, the retreat and the two battles fought with the united forces of Bocchus and Jugurtha, which were only in so far victorious that they had not stopped the retreat.[2] On the whole it does not appear that anything had been gained—perhaps we may say that the result had been unfavourable, and it appears that Marius himself came to this conclusion. He arrived at the conviction that the war could not be carried on without a native auxiliary, and aban-

trepidi improviso metu ac tamen virtutis memores . . . . obviam ire hostibus. The battle was fought without order or design; the army was saved by the bravery, discipline, and military instinct of the soldiers, who formed into squares, and gained the two heights, where they passed the night. The description that now follows is utterly childish. Sallust tells us (98, 5) that the enemies kept up wild rejoicings in the night in celebration of their presumed victory, and lay down to sleep shortly before daybreak. The Romans seeing this from the higher ground suddenly fell upon them with great shouting and blowing of trumpets, and so frightened them (ignoto et horribili sonitu) that in their bewilderment they could neither seize their arms nor do anything, and were utterly routed, with a great loss of military ensigns and arms. 'There were more enemies killed in this than in all the previous engagements, for sleep and unwonted terror prevented flight' (99, 3). We wonder how a man of sense could write this and expect to find credit. In spite of the last remark, Sallust seems to find it quite natural that Marius should employ unusual precautions against a surprise when he continued his retreat (ch. 100, dein Marius uti cœperat, in hiberna proficiscitur, &c.), and that only four days later he should be again attacked in front, flank, and rear, by the united forces of Jugurtha and Bocchus. In the account of Orosius, v. 15, who consulted different sources, the Romans were in extreme danger, and, after three days' fighting, were saved by a thunderstorm.

[1] Sallust, *Jug.* 101, 8: Jamque paullum ab fuga aberat, quum Sulla profligatis iis quos advorsum ierat rediens ab latere Mauris incurrit, &c. . . . . Atque interim Marius fugatis equitibus accurrit auxilio suis quos pelli iam acceperat.

[2] Sallust, *Jug.* 102, 1: Post ea loci consul haud dubie iam victor pervenit in oppidum Cirtam. It seems that Sallust himself found it incumbent on him to assure his readers that a victory had really been gained.

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doned the lofty disdain with which he and his predecessors had hitherto treated the offers of King Bocchus. Perhaps the negotiations had never been entirely and formally broken off. At any rate they were without difficulty renewed after the campaign by a message from Bocchus to Marius, with a request that delegates might be sent to him for the discussion of matters mutually important. Marius at once complied with this request, and despatched Sulla and his legate Manlius, the two most prominent men under his command. Bocchus had now won his game. If he thought the chances of Jugurtha superior, he could, by continuing his alliance with him, obtain as his price that part of Numidia which he coveted. If he thought otherwise, he could now hope to obtain it from Rome.

Embassy from Bocchus to the Roman senate.

But he was too cautious to trust to promises of a Roman consul alone, which might afterwards be disavowed by the senate. He had been warned by the experience of Jugurtha in his treaties with A. Albinus and Metellus.[1] He therefore insisted upon treating with the senate directly.[2] Five Mauretanians, a stately embassy, appeared at the Roman headquarters, no doubt in pursuance of an agreement made with Sulla and Manlius. Marius assembled a great council of war, to which he invited, in addition to his chief officers, the prætor of Africa, L. Annius Bellienus, and all men of senatorial rank who happened at the time to be in the province. The question was maturely discussed, and it was resolved that the Mauretanian embassy should proceed to Rome accompanied by the quæstor Cneius Octavius Rufus, who had just arrived from Rome with the pay for the African army.

Compact between the senate and Bocchus.

Of the negotiations carried on in Rome between the ambassadors of Bocchus and the senate we have no direct information, and can consequently only guess them from

[1] It is not reported, but nevertheless likely, that the deception practised on Jugurtha by Metellus was justified by the usual plea, that the senate demanded more than was originally contemplated.

[2] Sallust *Jug.* 102, 14.

what took place afterwards and in consequence of them.[1] Jugurtha was not a party to these transactions, and there was a good reason for keeping them secret from him. They ended, as we shall presently see, in the delivering up of Jugurtha to the Romans, and in the awarding of Jugurtha's kingdom, or a part of it, to Bocchus. What Sallust reports as the answer of the senate to Bocchus is nothing but foolish verbiage, such as flattered the vanity of the Roman annalists. It really deserves to be literally quoted, as characteristic of the style of historic writing popular in Rome, and no reader will be credulous enough to take it for a genuine historical document. 'The senate and the people of Rome,' thus runs the text, 'are wont to remember kindness and wrong. They pardon the offence of Bocchus because he repents it, and will grant him alliance and friendship when he shall have deserved them.'[2]

Treachery of Bocchus to Jugurtha.

When the ambassadors had returned to Mauretania with the senate's real answer, Bocchus at once proceeded to the execution of the task which he had undertaken, and accomplished it with consummate skill. His chief difficulty of course was to deceive Jugurtha, for Jugurtha must have been well acquainted with his father-in-law's treacherous character. He knew that secret negotiations had been carried on in the camp of Marius and in Rome, and consequently he had good reason to be on his guard. It was not easy to catch a man like him in a trap, and to use force was dangerous, for he was not without the means of defence, and he was adored by his people. Bocchus required the co-operation of the Romans to play his game, and he requested Marius to send L. Sulla, who had on

[1] A hint is contained in the speech which Sallust (*Jug.* 111, 1) puts into Sulla's mouth in his secret consultation with Bocchus. Jugurtham si Romanis tradidisset, fore ut illi plurimum deberetur; amicitiam, fœdus, Numidiæ partem quam nunc peteret, tunc ultro adventuram.

[2] Sallust, *Jug.* 104, 5: Senatus et populus Romanus beneficii et iniuriæ memor esse solet. Ceterum Boccho, quoniam pœnitet, delicti gratiam facit: fœdus et amicitia dabuntur, cum meruerit.

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his former mission gained his confidence, and was no doubt acquainted with his schemes and intentions. Sulla started on this important expedition with a sufficient escort of horse and foot, Balearic slingers, archers, and a cohort of Pelignians, who counted among the best Italian troops. Halfway he was met by Volux, the son of Bocchus, who had been sent with a troop of a thousand horse to conduct him. Jugurtha was hovering about in the neighbourhood with a Numidian force, and a suspicion arose in Sulla's mind that there might be an understanding between Jugurtha and Volux for making him a prisoner. But this suspicion, if it really existed, soon proved to be without foundation. Sulla passed unharmed through the body of Numidians, and reached the court of Bocchus without molestation. Here he found a delegate of Jugurtha named Aspar, with whom he made a show of negotiating about peace with Jugurtha under the mediation of Bocchus. But in secret plans were formed for seizing the person of Jugurtha. Sallust's narrative of these intrigues, which is perhaps derived from Sulla's own memoirs, is designed to represent the situation of the Roman negotiators as extremely precarious and dangerous. According to it Bocchus was even now undecided whether he should in the end betray Jugurtha or the Romans. In his desire to paint an effective scene, Sallust goes so far as to speak of the mental struggles of Bocchus, and even of the expression of his face at the last moment, when he had dismissed his councillors and was pondering over the momentous resolution which he was about to take.[1] This of course is a stretch of imagination, worthy of a writer of fiction but absurd in an historian. It is also a mistake, or an intentional misrepresentation, to describe Bocchus as still hesitating about his final decision. Of course Bocchus was obliged to assume the air of being Jugurtha's friend,

[1] Sallust, *Jug.* 113, 3: Sed nocte ea quæ proxuma fuit ante diem colloquio decretum Maurus adhibitis amicis ac statim voluntate immutata remotis dicitur secum ipse multa agitavisse voltu corporis pariter atque animo varius, quæ scilicet tacente ipso occulta pectoris patefecisse.

and of wishing to act in his interest, for otherwise he would never have succeeded in outwitting him. But it is impossible that a man who had sent his messengers to the Roman camp, and even to Rome itself, and who had now a Roman officer at his court, who had come at his special request, could be doubtful about his final steps. He played a dangerous game, for if Jugurtha discovered his intended treason he might risk more than a failure of his enterprise, and forfeit the prize which was almost in his grasp.

Betrayal of Jugurtha.

The conspiracy succeeded. Jugurtha was made to believe that Sulla had come to treat with him about peace, and that Bocchus was using his good services to bring it about. A meeting of the three was arranged. On the day fixed, Bocchus and Sulla rode out and waited for Jugurtha on a hill, near which they had hidden a troop of horse in ambush. As he approached, unarmed, with a few attendants, he was surrounded, seized, and delivered over to Sulla.[1]

Iniquitous treatment of Jugurtha by the Romans.

Thus Jugurtha was caught at last by the arts of treachery and deceit, which the Romans ostentatiously condemned as unworthy of them, and as foreign to their national character, and as peculiar only to such races as the Punians and Greeks.[2] Having resisted the whole power of the great republic for six years, having kept his ground against the best generals of the time, against a Metellus, a Marius, and a Sulla, he was deluded by treacherous promises of peace, and betrayed by his own ally and father-in-law. The king who could not be charged with a single act of cruelty against Romans, or even of aggression against the Roman possessions, was now doomed to meet a fate more dreadful than that of a common malefactor. Decked as if in derision with his royal robes, he was compelled to walk before the triumphal car of Marius, and whilst the triumphator ascended the Capitol to return thanks for his glorious victory, he was led aside into that

[1] Sallust, *Jug.* 113.

[2] Liv. xlii. 47, 7: Hæc Romana esse, non versutiarum Punicarum neque calliditatis Græcæ, apud quos fallere hostem quam vi superare gloriosius fuerit.

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dreary dungeon hewn out of the Capitoline rock,[1] where the miscreant Pleminius[2] and others like him had expiated their crimes, and where afterwards the fellow-conspirators of Catiline suffered an ignominious death.[3] His royal ornaments were torn off his body, and he was thrust down naked into that dark and cold pit. His reason had given way under the excess of suffering.[4] 'Oh, how chilly is this bath,' he exclaimed; but his body, hardened in a life of warlike toil, held out for six days before it succumbed under the pangs of hunger.[5]

Character of the Jugurthine war.

The Jugurthine war is very properly called by the name of that man against whom it was waged. It was not a war with a country or a people, but with a single individual whose captivity or death could alone terminate it. In importance it cannot be ranked among the great wars which affected the existence of the Roman commonwealth or the extension of its dominions. It was what would be now called a colonial war, not unlike in its origin to the wars which quite lately have been waged by England in Africa and in Asia, for the purpose of curbing the military power of barbarous chiefs who seemed to endanger the peace of adjoining British possessions.[6] It is altogether a wrong view that Sallust takes of the motives of the senate for undertaking it. It ignores the political considerations just expressed, and represents the war as an act of international justice, undertaken to punish Jugurtha for his crimes against his cousins. This view is refuted, as we have already seen, by the single fact that

[1] Sallust, *Catil.* 55, 3: Est in carcere locus quod Tullianum appellatur . . . . eum muniunt undique parietes atque insuper camera lapideis fornicibus vincta; sed incultu, tenebris, odore fœda atque terribilis eius facies est.

[2] Liv. xxxiv. 44; vol. ii. p. 424.

[3] Sallust, *Catil.* 55, 5.

[4] Plutarch, *Marius*, 12: ἀλλ' ἐξέστη γε πομπευθεὶς, ὡς λέγουσι, τότε τοῦ φρονεῖν.

[5] According to Livy (*Epit.* 67) Jugurtha was treated more mercifully, and put to death in prison. Plutarch (*Mar.* 12) relates that he tenaciously clung to the hope of life whilst wrestling with death for six days.

[6] The war with Cetewayo the Zulu chief, and the war with Shere Ali, the Amir of Cabul, were undertaken because Natal and India were said to be threatened by the power of these two neighbouring princes.

after the murder of Hiempsal the senate confirmed Jugurtha in the possession of one half of Numidia. They never interfered until they apprehended that Jugurtha would be a troublesome neighbour to their province as the lord of all Numidia. No doubt they would have been satisfied with restoring the arrangement he had overthrown, and with putting another prince of the house of Masinissa in Adherbal's place. But two causes prevented this, the murder of Massiva by which Jugurtha offended the majesty of Rome, and the shameful corruption of the Roman nobility which called forth a democratic reaction. The war with Jugurtha was now an imperious necessity, and it became a war with the aristocratic party. Jugurtha was made to pay the penalty of their crimes. Had it not been for this, he might have been allowed to live in captivity, and the sum of Roman iniquity would have been lessened by one act of atrocious cruelty.

Character of Jugurtha.

But not only was Jugurtha pursued, as long as he was alive, by the unrelenting hostility of Rome. The Romans also painted his picture after his death, and they were as ungenerous and unjust to him as to Hannibal and Perseus, and all their great foes. As far as we now can judge, seeing his character through a coloured and distorted medium, he appears not more treacherous or more cruel than can be expected of a Numidian chief, certainly not more so than Masinissa or Bocchus. On the whole he inspires less abhorrence than Metellus, or Marius, or Sulla, or the wretches who took his bribes. The defect which seems to us to be the most striking and the most fatal in his character is not his cruelty or faithlessness, but his credulity and pusillanimity with regard to Rome. He showed on all occasions an excessive readiness to come to terms, and to buy off hostility by submission. Thus he weakened himself, and though he was never fairly beaten in a decisive battle, he became at last dependent on his ally who betrayed him. He is therefore in every respect far from ranking in a line with or even near Hannibal.

The war now passed under review, though in itself of

BOOK VII.

The history of Sallust.

inferior importance, acquires a disproportionate interest for us by the fact, that a kind chance has preserved Sallust's brilliant monograph of it. In spite of the numerous defects of this the earliest extant specimen of Roman historical literature, we are greatly indebted to a writer who in the midst of a vast desert has created for us an oasis of verdure and fruit. He has enabled us to view in detail and to understand some of the great events of that time, and to take a personal interest in men who without his pen would be to us mere empty names. The whole extent of our obligation we can appreciate when we come to consider the great war which was waged simultaneously and immediately afterwards with the Germanic tribes of the North, and the terrible convulsion that desolated Italy in the Social war. For neither of these periods have we a Sallust to guide us, and of neither can we therefore form more than a vague and inadequate conception.

Settlement of Numidia.

The capture of Jugurtha seems to have taken place in the summer of 105 B.C. The remainder of that year was spent by Marius in the settlement of Numidia. The western part of that country as far as the river Ampsaga was awarded to King Bocchus as the price of his treachery. In the eastern portion a half-brother of Jugurtha, of the name of Gauda, was set on the throne. He was such a neighbour as the Romans approved of, for he was sickly and of weak intellect.[1] The Roman province does not appear to have been enlarged.

Second consulship of Marius.

Towards the end of the year 105 B.C. Marius returned to Rome. If he had felt mortified at the honours which the senate had bestowed on Metellus as the conqueror of Numidia, he had since had an ample compensation for that indirect affront. For some years past several northern nations had been thundering at the gates of Italy. They had overthrown one army after another which had ventured across the Alps to block their way. The Gaulish

[1] Sallust, *Jug.* 65, 1: Morbis confectus et ob eam causam mente paullum imminuta.

'invaders, of whom the old chronicles had preserved so many tales of horror, seemed again on the move, perhaps to devastate the city of Rome a second time, and to lay siege to the Capitol. In the ranks of the nobility there was no man fit to inspire confidence in this emergency. Marius seemed destined by fate to become the saviour of Rome, and before he returned from Africa he was elected consul for the following year. The law which forbade re-election within ten years was set aside under the pressure of the time, and on the first day of January 104 B.C., the day of his triumph over Jugurtha, he entered on his second consulship.

CHAPTER IX.

THE CIMBRI AND TEUTONES.

BOOK VII.

Roman conquests in Liguria and the valley of the Po.

THE central part and the south of Italy had long been subjected to the dominion of Rome before the barbarous nations of the North, the various tribes of Ligurians and Gauls, were reduced to submission. Interrupted by the Hannibalic war, the conquest of Cisalpine Gaul was after the war extended to the foot of the Alps. The colonies of Bononia, Mutina, Parma, Placentia, and Cremona served the twofold purpose of securing the new possessions and of spreading among a docile population the habits of civilised society, together with Roman laws and the Latin language. This intellectual and military conquest spread northwards so fast, that even in 181 B.C. the colony of Aquileia in Istria could be established as the extreme north-eastern march of the Roman dominions, which for a long period had extended no further than Ariminum. Aquileia was now destined to be the bulwark of Italy against the barbarians of the eastern range of the Alps and the unknown races beyond them. On the western extremity of the peninsula the wall of mountains, running in an unbroken line to the sea and there joining the Apennines, formed a safe natural boundary. The power of the Ligurian races, which at one time spread far to the east and west of these ranges, was broken in a succession of bloody encounters with Rome,[1] but it was only in 177 B.C. that, shortly after the foundation of Aquileia in the east, the Romans established, south of the mountain range and much nearer to their capital, the border fort of Luna, by which they secured Etruria from

[1] Vol. iii. p. 417 ff.

the inroads of the Ligurians. North of the Apennines along the valley of the Po the Romans, advancing slowly westward, reached at last the 'foot of the mountains,' Piedmont, and the natural north-western frontier of Italy. Here were those passes over which countless hordes of Gallic tribes had successively passed into the peninsula, and where Hannibal had crossed with his Spaniards and Africans. Towards the middle of the second century B.C. the Romans began the conquest of these highlands by the war which Appius Claudius waged against the Salassians;[1] but a whole generation passed before, in 100 B.C., a permanent settlement was made by the foundation of the colony of Eporedia, the modern Ivrea. CHAP. IX.

The Roman dominion over these northern districts of the peninsula was not a direct government, nor were they as yet brought into the form of a province. The different communities retained their national institutions within the limits which the establishment of the Roman colonies had left them. They paid no tribute nor tithes like the provinces, nor were they placed under governors sent direct from Rome. They furnished contingents to the Roman armies[2] like the other Italians, and they were subject to the general laws and regulations which emanated from Rome. But their military aid was not exclusively employed in conjunction with the Roman legions. Their principal duty was the defence of Italy from the assaults of Alpine and Transalpine nations, to which, like all rich border lands, they were from time to time exposed. We hear very little of this kind of petty warfare, which no doubt was going on regularly, for, as the Romans took no direct part in them, they excited no general interest. On the whole the Ligurians and Gauls under Roman dominion, tinctured by Roman civilisation and armed and drilled in the Roman fashion, fully sufficed to keep in Movements of the Teutonic tribes.

[1] Vol. iii. p. 423.

[2] Ligurians were in the Roman army in Africa. Sallust, *Jug.* 38, 93. Above, pp. 132, 159.

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check the kindred tribes of the mountains who were still free. But when the great mass of Teutonic races was set in motion, and Italy was threatened by hundreds of thousands at once, it was necessary to employ regular armies of Roman soldiers in conjunction with the native militia, and, as a consequence of the danger to which the country was and might again be exposed, it became at last necessary to establish in northern Italy a more direct military and civil government. The change of Gallia Cisalpina into a Roman province was a consequence of this, though it was only carried out in all probability some years later by Sulla.[1]

Establishment of Roman dominion in Transalpine Gaul.

But long before this period the Romans had found their way to Gaul proper (Gallia Celtica or Transalpina) by the sea route, and had taken a firm footing in it by acquiring a province which has given the name of Provence to that part of France. The extension of the Roman dominion in this direction was caused by the wars in Spain, which terminated with the expulsion of the Carthaginians from that country and the formation of the two Spanish provinces. The easiest communication with Spain would have been the direct route across the Tyrrhenian sea; but the Romans, wherever they could, preferred a land route, and even where that was impossible they kept their course as near as possible to the coast line. Thus the whole tract from Pisæ or Luna in the north of Etruria as far as Tarraco in the north-east of Spain had become a Roman highway, which it was of the greatest importance for them to keep open. Hence arose frequent conflicts with the Ligurians, who dwelt along the eastern part of that line, and were inveterate land robbers and pirates;[2] and a close alliance sprang up between Rome and Massilia, the flourishing Greek settlement near the mouth of the Rhone, which for centuries had to maintain a hard struggle with the barbarous nations in the neighbourhood. The friendship between Massilia and

[1] Mommsen, *Röm. Gesch.* ii. p. 361, note. Comp. Marquardt, *Röm. Staatsverwaltung*, i. p. 20.

[2] Vol. iii. p. 417.

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Rome was old, but its antiquity has been much exaggerated. It can hardly go back beyond the period of the first Punic war, when Rome became a maritime power, and by the occupation of Sardinia and Corsica gained a commanding position in the Tyrrhenian sea.[1] The Massilians had as much interest as the Romans in putting down piracy, and they could render valuable assistance in the frequent passages of Roman troops and convoys to and from Spain along that coast. On the other hand, Rome was able and willing to protect the friendly town from the hostile attacks of their troublesome neighbours, the Ligurians and the Gauls, whenever their own strength proved insufficient.

Alliance between Rome and Massilia.

A case of this kind occurred in 154 B.C., when the Ligurian tribes of the Oxybii and Deciates attacked the Massilian stations of Antipolis (Antibes) and Nicæa (Nizza or Nice) situated on the road along the coast. They were defeated by the Romans, and portions of their territory were handed over to the Massilians.[2]

Extension of Roman conquests in Gaul.

This was the prelude of far more serious combats in Gaul, which began about a generation later, and in their course led to the formation of the first permanent Roman conquest in that country. In the very midst of the constitutional crisis, in the year 125 B.C., Marcus Fulvius Flaccus, the most zealous adherent of Caius Gracchus, and one of the leaders of the democratic party, was sent into Gaul to assist the Massilians,[3] and he began that series of conquests which Julius Cæsar, the great accomplisher of the Gracchan policy, brought to an end in the very death-struggle of the old republic. It seemed that the demo-

[1] The stories of the old friendship between Massilia and Rome deserve no credit. They are the inventions of flattering clients, anxious to enhance their own importance in the eyes of their patrons. We cannot believe either that the first settlers of Massilia on their voyage from Phocæa in Asia Minor sailed up the Tiber, and concluded a treaty of friendship with King Tarquin (Justin, xliii. 3, 4), or that the Massilians showed their sympathy to the Romans after the inroad of the Gauls under Brennus, or that they had a common treasury with Rome in the Delphian temple.

[2] Polyb. xxxiii. 7, 8. Liv. *Epit.* 47.

[3] Liv. *Epit.* 60.

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cratic party was destined not only to break through the old lines which kept within unnaturally narrow limits the original constitution of municipal Rome, and to spread the full franchise over the whole peninsula, but to open up new fields of action beyond Italy for the missionary labour of Roman civilisation. Whether Flaccus in going to Gaul was animated by the same policy which led C. Gracchus to send Roman colonists to Africa, we are not able to affirm on any clear evidence; but it seems highly probable. At any rate Gaul became a fertile field of Roman colonisation when once the Alpine wall was broken through, not to let loose devastating hordes of barbarians into the sunny regions of the south, but to admit the victorious legions of Rome into Gaul, to be the forerunners of civil order, culture, and prosperity.

Wars with the Arverni and Hædui.

The war undertaken for the protection of Massilia soon changed into an attack upon two of the most powerful of the numerous races which divided the country between the Pyrenees and the Rhine. The Arverni on the western bank of the Rhone and the Allobroges on the eastern were the first to encounter the Roman arms, whilst the Hædui, living to the north of these two, entered into friendly relations with Rome.[1] The war at once assumed great proportions, so that Flaccus, who remained in Gaul as proconsul, had to be reinforced by both consuls of the year 124 B.C. One of these consuls, Caius Sextius Calvinus, founded, north of Massilia, the fortified town Aquæ Sextiæ (Aix), the first which Roman vanity named after the founder, at a time when the whole Hellenic world was already covered with Alexandrias, Antiochias, and other monuments of royal self-glorification.

Victories of Cn. Domitius Ahenobarbus and Q. Fabius Maximus.

We cannot follow in detail the course of the Roman conquests in Gaul, as we have only detached and meagre notices of them, which moreover contradict one another. So much can be made out as certain, that Cneius Domitius Ahenobarbus, the consul of 122 B.C., the

[1] It was the usual, and in fact natural, policy of the Romans, to secure the friendship of peoples who lived in the rear of their enemies. Vol. i. p. 384.

memorable year of the tribunate of C. Gracchus, waged war with the Allobroges and Arverni, and gained a great victory at a place called Vindalium on the Rhone. His successor, Quintus Fabius Maximus, grandson of Æmilius Paullus, and nephew of Scipio Æmilianus, continued the war successfully, and gained a still greater victory at the confluence of the Rhone and Isère over the united Allobroges and Arverni.[1] Bituitus, the king of the latter, was treacherously detained at an interview with the Roman commander arranged for negotiations of peace.[2] He was sent to Rome and actually led along decked with his gorgeous arms in the triumph of Fabius,[3] henceforth styled Allobrogicus, the vanquisher of the Allobroges.[4] We learn incidentally that in these battles with the Gauls the Romans employed African elephants which king Micipsa of Numidia had sent them. Since the memorable march of Hannibal these huge animals had not been seen in the valley of the Rhone; they produced terror among the barbarians, and contributed not a little to the success of the Roman arms.

[1] This great battle was fought on the 8th of August, as recorded by Pliny (*Hist. Nat.* viii. 50), and in the course of it Fabius was freed of an ague of which he had been suffering (febri quartana liberatus est in acie). Appian (*Gall.* 1) has changed the fever into a wound, which is more dignified, and adds that Fabius was obliged to ride about in a carriage or lean on a soldier whilst directing the battle. In spite of these difficulties he acquitted himself so well, that according to the latter writer he lost only fifteen men, whilst he killed 120,000 enemies. Pliny makes the number 130,000.

[2] Valer. Max. ix. 6, 3: Iratus Domitius Bituito, regi Arvernorum, quod cum suam tum etiam Allobrogum gentem, se etiam tum in provincia morante ad Q. Fabii successoris sui dexteram confugere hortatus esset, per colloquii simulationem accersitum hospitioque exceptum vinxit ac Romam nave deportandum curavit. Cuius factum senatus neque probare potuit neque rescindere voluit, ne remissus in patriam Bituitus bellum renovaret. Igitur eum Albam custodiæ causa relegavit. This act of glaring treachery is smoothed down and almost concealed in the *Epitome* of Livy, 61: Bituitus cum ad satisfaciendum senatui Romam profectus esset, Albam custodiendus datus est, quia contra pacem videbatur, ut in Galliam remitteretur. It is a mere chance that we are in this instance enabled to discover a patriotic lie. How many similar lies must now pass unchallenged for want of evidence!

[3] Florus, iii. 2: Nihil tam conspicuum in triumpho quam rex ipse Bituitus discoloribus in armis argenteoque carpento, qualis pugnaverat.

[4] Not only Bituitus, but also his son Congonnetiacus was seized and sent to Rome, according to Livy, *Epit.* 61, by decree of the senate.

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Formation of the province of Gallia Braccata.

In a few campaigns the Allobroges were overthrown, and out of a part of their land the Roman province was formed which was at first designated as Gallia Braccata.[1] The Arverni, whose country lay beyond the Rhone, and was protected by the ridge of the Cevennes, remained for the present free.[2] Their subjection was reserved for the second and greater conqueror of Gaul. The first object of the Romans was not to penetrate into the interior of Gaul, but to secure order in that portion which lay between the Alps and the Pyrenees on the line of communication between Italy and Spain. For this purpose they founded, in 118 B.C., the colony of Narbo, about halfway between the mouths of the Rhone and the eastern pass over the Pyrenees. This town became the capital of the province, to which it gave the name Narbonensis, whilst the ancient splendour and prosperity of Massilia seem to have declined. In the years which follow we still hear of occasional hostilities with a few Gallic tribes,[3] but on the whole it seems that the Roman conquest was never seriously endangered. In their own native country the Gauls fought less stubbornly against the Romans than did the tribes of the Senones and Boii who had emigrated to Italy, and less perseveringly than the indigenous races of Corsica, Sardinia, and especially of Spain. Gaul accepted the Roman dominion easily and almost readily: the people seem to have been naturally fitted to adopt Roman culture, language, customs, and laws. After the rapid conquest of the remainder of the country by Julius Cæsar, it became in a very short time thoroughly Roman, and one of the chief sources of power of the empire.

Wars in Thrace.

Shortly after the first establishment of Roman dominion in Gaul, we hear of repeated wars with the nations of Thrace, which were not always glorious for the Roman arms, and led to no permanent extension of the Roman possessions. When Rome had destroyed the independence

[1] Mela, II. v. 1. [2] Cæs. *Bell. Gall.* i. 45.

[3] As for instance in 115 B.C. of a victory gained by M. Æmilius Scaurus over Ligurians and Gantisci. Aurel. Vict. 72.

of the Macedonian kingdom, she was obliged to take upon herself the protection of the Macedonian frontier from the predatory barbarians of Thrace, a task which had formerly devolved upon the Macedonian kings. Unfortunately we have no satisfactory and coherent account of the wars carried on here, and the few scattered notices are too scanty to supply a clear impression. We can see only that the conflict was very serious and the result not to be relied on. In the year 114 B.C., the consul Caius Porcius Cato, a grandson of the celebrated censor, was completely routed by the Scordisci, a Thracian people, perhaps mixed with Gauls.[1] His successor, Caius Cæcilius Metellus, was victorious, and once more, in 112 B.C., the Scordisci were reported as beaten. Yet two years later we find the war renewed and carried on with chequered fortune, until at last, in 109 B.C., the Scordisci and Triballi were routed so effectually that they ceased to be troublesome for the future.

Reported movements of northern barbarians.

Whilst the Romans were engaged in this more troublesome than serious warfare with a number of petty tribes in Thrace, they were unexpectedly roused from the feeling of security which for ages they had been able to indulge in, as far as the safety of Italy and the existence of the republic were concerned. The memory of the first great invasion of the Gauls was indeed not extinct, but it had long ceased to awaken any fears of a like calamity, when news reached Rome that vast armies of northern barbarians were on the move towards Italy, more fierce, more numerous, and more terrible than any that had been encountered before.

The Cimbri and Teutones.

If the Romans had not been so utterly indifferent to the national peculiarities of foreign nations, no historical doubt could exist with regard to the nationality of the Cimbri and the Teutones; the question could never have been raised whether they were Gauls or Germans. But both Romans and Greeks looked upon these two northern races

[1] Florus, iii. 4: Non fusus modo aut fugatus, sed omnino totus interceptus exercitus, quem duxerat Cato. Liv. *Epit.* 63, Eutrop. iv. 24.

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for a long time as almost or altogether identical. They distinguished no more between them than modern writers often have cared to distinguish between the different races of India.[1] There was indeed much in the customs and external appearance of the Celts and Germans that was like or seemed like to their neighbours, for all nations in a low stage of civilisation resemble one another. Similarity of climate produced similar modes of life, similar social and political institutions. The distinguishing characteristics of religion and language were not observed by the Greeks and Romans who came in contact with them, and so it was natural that these, who had heard and seen much of Gauls and very little of Germans, identified the Cimbri and Teutones with the countrymen of Brennus, with the Senones, the Boii, and other Gaulish tribes.[2] Nevertheless there can be no reasonable doubt that the Cimbri as well as the Teutones were Germanic races. The description uniformly given of them characterizes them as such, dwelling on their tall stature, fair hair, and blue eyes. Their battle-cry is represented as peculiar and novel;[3] it must have differed therefore from that of the Gauls, with which the Romans were well acquainted. Moreover they had peculiar customs never ascribed to the Gauls. They were accompanied on their wanderings by priestesses, who prophesied from the blood of human victims,[4] and they carried with them their women and children, which seems not to have been the case with the earlier Gallic invaders of Italy and Greece.[5]

But there is not wanting direct evidence, which, though not based on scientific accuracy, is sufficiently

[1] So does Appian, *Gall.* 1, and Sallust, *Jug.* 114: Per idem tempus advorsum Gallos . . . . male pugnatum: quo metu Italia omnis contremuerat.

[2] In a similar way the name of Franks was, and still is, applied in the East indiscriminately to all the European Christians.

[3] Plutarch, *Mar.* 15: φθόγγον τε καὶ θόρυβον οὐχ ἑτέροις ὁμοιοι, and chap. xvi.: φωνὴ ὅλως οὖσα ἀλλόκοτος.

[4] Strabo, viii. 2, 3, gives a repulsive picture of this cruel superstition.

[5] When in Cæsar's time the Gallic Helvetians left their country, they adopted the German practice of carrying their families with them on wagons.

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The Cimbri and Teutones Germanic tribes.

'strong to convince us that the Cimbri and Teutones were not Celts but Germans. Julius Cæsar, the first perhaps to distinguish clearly between the two races with whom he came into personal contact, and of whom he gives an account in his Commentaries, ranks the Cimbri and Teutones in express terms among the German race, and puts them in opposition to the Gauls.[1] The same is done by Tacitus in his treatise on Germany[2] and by Velleius.[3] Pliny enumerates them among the German tribe of the Ingævones,[4] Strabo calls the Cimbri[5] Germans. The authority of these writers taken together is sufficient to exclude any doubt as to the nationality of the Cimbri and Teutones, especially as the testimony on the other side, which would prove them to be Gauls, is exceedingly slight, for it is confined to a passage in Sallust and one in Florus.[6]

The Tigurini and Ambrones.

In the course of their wanderings the German host was joined by combatants and adventurers from other nations; nay, whole tribes are mentioned as having taken part in their expedition. Among these were the Tigurini[6] settled in Helvetia, and consequently of Gallic origin; and the Ambrones, of whom we know nothing but the name. It would be idle to speculate to what race they belonged. But assuming that they too were Celtic like the Tigurini, this would not very materially affect the character of the whole body.

Cause of the movements of barbarian tribes.

What particular locality in ancient Germany was the original home of the Cimbri and Teutones, what was the primary cause that induced them to leave it, and what may have been the direction and the various windings of

[1] Cæsar, *Bell. Gall.* i. 40. [2] Tacit. *Germ.* 37.

[3] Velleius, ii. 12. [4] Plin. *Hist. Nat.* iv. 14, 28; xxxvii, 2, 11.

[5] Strabo, vii. 1, 3, 2, 4. Strabo (iv. 4, 3) relates also the fact, known from Julius Cæsar, that in Gaul the Belgæ were the only people that made a successful resistance to the Germans, namely the Cimbri and Teutones. To these witnesses may also be added Pompeius Trogus, from whom Justin, xxxviii. 3 ff. quotes a speech of Mithridates in which occur the words, 'et a Germania Cimbros . . . . more procellæ inundasse Italiam.'

[6] Sallust. *Jug.* 114. Flor. iii. 3.

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their march, are questions to which we have no satisfactory answers to give. According to a few hints in Tacitus,[1] Pliny,[2] and Ptolemy,[3] it would seem that the Cimbri had inhabited the coasts of the North Sea, and that the Teutones dwelt not far from the shores of the Baltic, before they set out on their wanderings southward. What has been assigned as the cause of their movement is nothing but a mere conjecture. Strabo says they were driven out of their homes by irruptions of the sea.[4] It is evident that encroachments of the sea have from time to time diminished the seaboard of the German Ocean. But no historical report emanating from contemporary witnesses has reached us, and we may argue that, if the sea invaded the land slowly, the result would not be to set a vast mass of people in motion, whilst if it had been sudden, it would have overwhelmed and destroyed them. The fact is we need not look for special causes to explain a phenomenon by no means singular and exceptional. The wanderings of barbarous nations were very frequent in those times, and occurred almost with periodical regularity.

Succession of Celtic and Germanic migrations.

For a long time the Celtic races, after having overrun and filled the western countries of Europe up to the seaboard of the Atlantic, flowed backwards to the eastern parts into Helvetia, Italy, Greece, and even into Asia. Then came the turn of the Germans to press forward, under the pressure of the Slaves behind them. The wandering of the Cimbri and Teutones towards the end of the second century before our era was the beginning of this movement so far as we know. It was followed by the immigration of German tribes into Gaul a generation later, when it was repressed by the genius of Cæsar, and delayed for several centuries by the Roman legions. When that strong barrier at last began to give way, the accumulated mass of nations broke through and spread over all the western provinces of the empire.

It was in 113 B.C., two years before the rupture with

[1] Tacit. *Germ.* 37.
[2] Plin. *Hist. Nat.* iv. 14, 28; xxxviii. 2, 11.
[3] Ptolem. ii. 11.
[4] Strabo, ii, 3, 6; vii. 2, 1.

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Defeat of Cn. Papirius Carbo.

Jugurtha, that the Cimbri first appeared within sight. The consul Cneius Papirius Carbo,[1] who was stationed with an army in Illyria, was startled with the news that an army of unknown barbarians had invaded Noricum, the inhabitants of which were in friendly relations with Rome. He at once marched northward into the mountain region to protect the clients of the Roman people and to stop the further progress of the invaders, who, though their name was now heard for the first time, inspired just apprehensions. They sent messengers to the consul and professed their willingness to abstain from all further hostility to the Noricans, seeing that they were friends of the Roman people. But Carbo was not disposed to let them retire unmolested. Thinking perhaps that their peaceful professions were a sign of weakness or insincerity, he laid a plan to surprise them unawares. He ordered their messengers to be conducted back by a roundabout way, whilst he hastened with his army by the straight road to attack them. But he failed completely. Though they were taken by surprise, the Cimbri offered a stout resistance, routed the Roman army, killed a great number, and dispersed the remnants into the recesses of the mountains.[2]

Invasion of Transalpine Gaul by the German tribes.

The road into Italy lay now before them. But with the caprice of barbarians, or for reasons unknown to us, they marched westward through Helvetia to Gaul, where for some time they were lost to sight. They remained here for four years, inflicting on the wretched country all the horrors of a predatory war. The memory of this terrible calamity was still alive in Gaul at the time of Cæsar's campaigns. It was then related that the people all fled from the open country into the fortified towns for safety, that they were there besieged by the Germans, and were driven by the pangs of hunger to kill and devour

[1] This Cneius Carbo was the brother of Caius Carbo who played a double part in the internal struggles occasioned by the Sempronian laws of the Gracchi, See above, p. 6.

[2] Appian, *Gall.* 13. Liv. *Epit.* 63. Velleius, ii. 12. Appian calls the invaders Teutones, Livy Cimbri, Velleius names both together.

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those of their number who were unable to carry arms.[1] The valuable booty which the German invaders had made in the different parts of Gaul they collected together in the strongly-fortified town of Aduatuca and left it there under the protection of a garrison of six thousand men,[2] whilst they turned southward to march against the Roman province of Narbo. Here they professed peaceful intentions and only asked for land to settle upon. As this request could not be complied with, they broke in by force, attacked Marcus Junius Silanus, one of the consuls of the year 109 B.C., and routed him completely.[3]

Defeat of the consul Cassius Longinus by the Tigurini.

After this victory the migratory host again disappears from the scene. It is even doubtful in what direction they marched. Although they had now overpowered two Roman armies, and might think that Italy was a fair field of plunder for them, they seem to have stood in awe of that great republic the fame of whose power no doubt extended far beyond the Alps. Instead of the Germanic tribes we find soon after a Gallic people, the Helvetian Tigurini, on the war trail. They seem to have joined or followed the Germans, and had penetrated into the south-western part of Gaul, the valley of the Garonne. Here they were met, 107 B.C., by the consul Lucius Cassius Longinus, in the country of the Nitiobroges. The battle was equally or still more disastrous than the previous encounters with the Germans. The consul himself, and Piso the second in command, were slain, the remnants of the army, totally routed and driven into their camp, were compelled to surrender and to submit to the indignity of being dismissed by their barbarian enemies under the yoke.[4]

This great reverse seemed to threaten the Roman dominion in Gaul. The faith in the invincibility of the Roman arms was shaken, and thoughts of recovering their

[1] Cæsar, *Bell. Gall.* vii. 77. [2] Cæsar, *Bell. Gall.* ii. 29.

[3] Liv. *Epit.* 65. Flor. iii. 3: Misere legatos in castra Silani, inde ad senatum petentes ut Martius populus aliquid sibi terræ daret quasi stipendium, ceterum ut vellet manibus atque armis suis uteretur.

[4] Liv. *Epit.* 65. Cæsar, *Bell. Gall.* 1. 7, 12.

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Insurrection and punishment of the people of Tolosa.

independence began to dawn in the minds of men who were not yet broken entirely to submission. If Rome laid claim to rule, she ought, they might argue, to be able to protect her dependents from such foes as these barbarous invaders. The consequence was an attempt at an insurrection. The town of Tolosa, not far from the scene of the recent disaster, rose against the Roman garrison, probably the defeated army of Cassius, and made them prisoners. But before the insurrection could spread, Quintus Servilius Cæpio, consul of 106 B.C., recovered possession of Tolosa by a night-surprise and restored the Roman authority.[1] The town was made to suffer for its rashness. We learn on this occasion that in it there was a highly venerated sanctuary, which from time immemorial had attracted worshippers and gifts from all the country round about, famous at that time, as in times after, for its natural fertility, wealth, and superstition.[2] A great treasure was thus accumulated in the sanctuary of Tolosa, which became the subject of numerous fables. According to some stories the Gallic Tectosagi, who had carried off the treasures of the Delphic temple of Apollo, had transported it to Tolosa,[3] where, according to another story, it was for security sunk into a morass. These stories of the origin and the place of deposit of this treasure were perhaps not more wild than the statements of its amount, which was said to be exactly

[1] Dio Cass. *Fragm.* 90.

[2] Strabo, iv. 1, 13: ἡ χώρα πολύχρυσος οὖσα καὶ δεισιδαίμων . . . . πολλαχοῦ ἔσχε θησαυρούς.

[3] Justin, xxxii. 3, 9: Tectosagi autem cum in antiquam patriam Tolosam venissent comprehensique pestifera lue essent, non prius sanitatem recuperavere quam haruspicum responsis moniti aurum argentumque bellis sacrilegiisque quæsitum in Tolosensem lacum mergerent, quod omne magno post tempore Cæpio Romanus consul abstulit. As Strabo (iv. 1, 13) reports, Posidonius had already pointed out the absurdity of this report. He remarked that the treasures of the Delphic temple were plundered before that time by the Phocians in the Sacred war, but that if the Gauls had after all found a treasure there, they would not have kept it in one lump but would have divided it, and lastly that after their disastrous expedition to Delphi they had been dispersed in all directions and had not returned to their ancient home. This reminds us of the fables regarding the ransom exacted by the Gauls after the capture of Rome (vol. i. p. 273).

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one hundred and ten thousand pounds of silver and eighty-five thousand pounds of gold. Unfortunately the Roman quæstors had no chance of verifying this statement, for the treasure, though confiscated for the benefit of the Roman treasury, never reached its destination. What became of it was never satisfactorily explained. On its transport to Massilia, as it was reported, the escort was waylaid by robbers and all the gold and silver carried off. Neither Rome nor Cæpio derived any advantage from it. The latter was suspected of being the real robber. Perhaps he would have escaped punishment; but as he was the principal cause of a great disaster which befel the Roman army in the following year, he had to front the unmitigated displeasure of the people. He was stripped of his proconsular command, his property [1] was confiscated, and a prosecution instituted against him which ended in his condemnation to death. By the interposition of a tribune he managed to save his life, and spent the rest of his life in exile. His fate gave rise to a popular saying by which a person persecuted by misfortune after misfortune was designated as one who had gained the gold of Tolosa.[2]

Defeat and death of Aurelius Scaurus.

In the year 105 B.C. the Cimbri and the confederated tribes appeared again in the Roman province in Gaul. Marcus Aurelius Scaurus, who had been consul in 108 B.C., and now commanded a Roman force as legate under the proconsul Cæpio, was the first victim of the new attack. He was defeated and taken prisoner. Being led before Boiorix, the king of the barbarians, he bore himself like a true Roman, and warned the king not to entertain the vain hope of being able to invade Italy, because Rome was invincible. He paid for his presumption with instant death.[3]

[1] Justin, xxxii. 3: Quod sacrilegium causa excidii Cæpioni exercituique eius postea fuit.

[2] Gellius, iii. 9. According to Timagenes, quoted by Strabo, iv. 1, 13, Cæpio's daughters, who had been left behind in Rome, became public prostitutes, and died miserably.

[3] Liv. *Epit.* 67.

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Annihilation of two Roman armies by the Cimbri.

The apprehensions felt in Rome of the ultimate designs of the Cimbri and Teutones were revived by this new disaster. The consul of the year, Cneius Mallius, was sent to Gaul with strong reinforcements, and at the same time Cæpio was kept there in command of his own army as proconsul. The two armies, united and in one hand, might have been strong enough to make head against the enemy, but unfortunately the jealousy of the consul and the proconsul, as was so often the case, interfered with all combined action. Cæpio, though second in command, had as proconsul a half-independent position, and occupied a position in the western part of the province separated from the forces of the consul Mallius by the Rhone. Having had the good fortune to recover possession of Tolosa, he looked upon himself as a great man whose final triumph and glory was in danger of being shared by an intruder. Perhaps the Cimbri were aware of this division in the counsels of their opponents. They availed themselves of their good chance and attacked the two Roman armies separately. The consequence was such a defeat as the Romans had not suffered since the day of Cannæ.[1] The two Roman armies were annihilated. The number of soldiers slain is given by one authority as sixty thousand, by another as eighty thousand, in addition to forty thousand non-combatants. It seems that on this occasion the Roman writers took a grim pleasure in exaggerating the misfortune. The sixth of October, on which day the battle was fought, was marked in the calendar as a black day, just like the fatal day of the Allia.[2] All Italy trembled at the news. This was now the fifth army that had gone down before these irresistible foes. Fears were entertained for the safety of Rome itself, as if a second Hannibal were expected before the gates. Measures were taken, resembling those of Scipio after the battle of

[1] The locality where this great battle was fought is not known. It is generally called the battle of Arausio (Orange on the Rhone), but that name is only inserted in the text of Livy's *Epitome* (67) on conjecture by I. Fr. Gronow.

[2] Plutarch, *Lucull.* 27.

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Cannæ, to prevent any man capable of carrying arms from leaving Italy in this great danger,[1] and, as was usual in times of great tribulation,[2] public prayers and sacrifices were ordered to entreat the favour of the gods. Three times nine virgins chanting sacred hymns walked in solemn procession and laid down on the altar of Ceres and Proserpina pious offerings contributed by the people at the bidding of the haruspices.[3]

Re-election of Marius as consul to oppose the barbarian invaders.

Whilst Italy was agitated with these fears, the consular elections for the year 104 B.C. were held. Fortunately the war with Jugurtha had just been brought to a close, and Marius was preparing to return for the celebration of his triumph. The alarm of the people determined his re-election as consul.[4] In the terror of an invasion of barbarians all Italy rallied round Rome as her leader and protector. This feeling of a common danger had been a powerful agent in former times for producing that mutual trust and confidence which alone could weld the variety of races and towns into one commonwealth, animated by a universal patriotism. Now the time had come when the Italian allies could show that they were worthy not only to fight side by side with the Roman legions, but to share the franchise of Roman citizens. Had Marius been a great statesman, as he was a great general, or had he had a Gracchus for his colleague, he would now have had a chance of receiving into the Roman citizenship not merely a few Italian cohorts[5] but the whole body of Italian

[1] Licinian, p. 21. ed. Bonn.: Rutilius consul . . . cum metus adventantium Cimbrorum totam quateret civitatem ius iurandum a iunioribus exegit, ne quis extra Italiam quoquam proficisceretur, missique per omnes oras Italiæ adque portus qui prædicerent, ne ulli minorem xxxv annorum in navem reciperent. This extraordinary measure can hardly have applied to all able-bodied men, and was perhaps confined to knights alone. Comp. vol. ii. p. 238.

[2] Vol. ii. p. 382.

[3] Julius Obsequens, 103.

[4] Livy, *Epit.* 56, mentions a law which forbade re-election altogether. Mommsen, *Röm. Staatsr.* i. 425, thinks that this law was enacted about 151 B.C. It was not formally repealed till Sulla restored the old law of 342 B.C., which required an interval of ten years before re-election (vol. i. p. 345). It is well known that this restriction was often set aside in special cases.

[5] See below, chap. 12.

allies. The narrow jealousies of the Roman people would have been silent at a time of general excitement, when the very existence of the republic seemed endangered, and a boon might have been granted as a voluntary gift which was subsequently wrested from reluctant Rome after a desolating war.

Formation of a new Roman army.

Marius, as we have seen, entered on his second consulship on the same day on which he celebrated his triumph over Jugurtha.[1] His first duty was to create a new army in the place of that which had been annihilated in the bloody battle on the Rhone. The nucleus of it was formed probably by the veterans just brought back from Numidia; but as these could not supply the requisite number, new levies were made of Roman citizens and allies. There can be no doubt that if Marius had not already enrolled the lowest class of citizens, when he raised his army for Numidia in 107 B.C., he would have been compelled now to take this measure.[2] When a war with Gauls was in sight, a Gallic tumult (*tumultus Gallicus*) as the Romans used to call it, all exemptions from the duty of military service were suspended, and no one was excused who was fit to carry a weapon.[3] Such a danger was now at hand. Not only Gauls but fiercer races of barbarians were marching upon Italy after having overwhelmed five Roman armies in succession. The defensive force of Italy was not even deemed sufficient. Troops were demanded from extra-Italian allies and friends of the republic. We may assume that, as on a former occasion for the Numidian war, Thrace, Liguria,[4] the Balearic islands, sent troops of different arms to reinforce the legions, for even the distant princes of

[1] Above, p. 79.

[2] Sallust is the only writer who distinctly places the enrolment of *capite censi* in connexion with the Jugurthine war, whereas the general tradition seems to have been that the occasion for the innovation was the war with the Cimbri. Gellius, xvi. 10, 14: Capite censos autem primus C. Marius, ut quidam ferunt, bello Cimbrico difficillimis rei publicæ temporibus, vel potius, ut Sallustius ait, bello Iugurthino milites scripsisse traditur.

[3] Liv. viii. 20, 3; x. 21; cf. Cicero, *Philipp.* viii. 1, 3.

[4] Ligurians are specially mentioned by Plutarch, *Mar.* 19. See above, p. 35.

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Asia Minor were called upon to send auxiliaries.[1] It may have been a very motley and unpractised army with which Marius undertook in 104 B.C. to confront the victorious and so much dreaded barbarians. We cannot refuse to admire his courage and self-reliance; yet he himself must have thought it a very fortunate circumstance that he had two full years' leisure to form his recruits into soldiers, to make one army out of the variety of contingents, and to inspire them with confidence in themselves and in their leader, before he had occasion to put them to the test.

Diversion of the barbarians into Spain.

This welcome delay was occasioned by the unaccountable caprice of the German host, which after the decisive victory on the Rhone did not push forward into Italy or even into the Roman province. Apparently without any fixed plan or object, they suddenly turned round, and, instead of following up their success by an invasion of Italy, where for the moment they would hardly have met any opposition, they crossed the Pyrenees and overran Spain, a country where they would encounter a most stubborn resistance on the part of the warlike natives, and where they could not expect a rich harvest of plunder. Whilst they were engaged on this unprofitable expedition, Marius set to work and organized the means of defence. He was eminently qualified for a work of this kind.[2] Having served in the ranks, he was a real soldier as no Roman general had been before. He had made the military career his profession. All the technicalities of the service, the minutest details of arms and equipment, of

[1] Diodor. xxxvi. 3. Of the frequent employment of auxiliary troops in the Roman armies we are very imperfectly informed, not only because on the whole the sources are scanty, but because the Roman annalists, from national vanity, avoided the mentioning of auxiliaries (cf. vol. i. p. 276). Thus a mere chance has preserved the statement that in the second Slave war in Sicily (103–99 B.C.) Licinius Lucullus had in his army not only Romans and Italians, but also Bithynians, Thessalians, and Acarnanians (Diodor. xxxvi. 8, 1. See below, chap. 11). Mention is also made incidentally of a body of Mauretanians, who, under a native leader called Gomon, came to the assistance of the hard-pressed town of Lilybæum (Diodor. xxxvi. 5, 4).

[2] Plutarch, *Mar.* 14: *χρόνον ἔσχε καὶ τὰ σώματα γυμνάσαι τῶν ἀνδρῶν καὶ τὰ φρονήματα πρὸς τὸ θαρρεῖν ἀναρρῶσαι, τὸ δὲ μέγιστον αὐτοῖς οἷος ἦν κατανοηθῆναι.*

drill and tactics, of the order of marching and throwing up entrenched camps, were to him as much matters of interest and attention as the discipline and moral bearing of the soldiers.[1] He knew that success in military operations depends on these elementary conditions, and he was indefatigable in his care for these apparently insignificant and subordinate matters. He made a trifling alteration in the construction of the pilum, the formidable weapon of the legionary soldier, by fastening the long iron point so slightly to the shaft that on being thrown and fixed in some part of an enemy's body or arms, it snapped off and was made unfit to be thrown back;[2] he improved the mode of carrying the soldiers' heavy baggage;[3] he introduced the eagle as the legionary standard;[4] and it was he in all probability who consolidated the tactical formation of the legions by abolishing the old manipular order of battle[5] and substituting ten strong cohorts for the thirty maniples, by which change he enabled his army to resist more effectually the impetuous assaults of the Germans.[6]

Organizing powers of Marius.

The organization and drilling of his troops and the reform of the service were not the only matters which occupied the time or engaged the attention of Marius during the two years' leisure which the delay of the Germans procured for him. He employed his troops in great public works[7] which did not, like the digging of entrenchments for camps, serve a temporary military necessity. Having taken up his position near the confluence of the Rhone and the Isère, where he could at the same time protect the Roman province in Gaul and watch both roads into Italy, the road over the Alps and the road along the sea coast, he

[1] Valer. Max. vi. 1, 12. [2] Plutarch, *Mar.* 25.

[3] Paul. Diac. s. v. Muli and s. v. Ærumnulas. Frontin. *Strateg.* iv. 1, 7.

[4] Plin. *Hist. Nat.* x. 5. [5] Vol. i. p. 515, n.

[6] The manipular order of battle is last mentioned in the Jugurthine war, Sallust, *Jug.* 49.

[7] Marius followed herein the example of C. Flaminius, who in many respects was the forerunner of the Gracchi and the later democrats. Of him Livy reports, xxxix. 2, 6: C. Flaminius, ne in otio militem haberet, viam a Bononia perduxit Arretium.

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found that the watercourse of the Rhone, owing to the silting up of its mouths, was insufficient for the transport of the supplies for his army. He therefore caused a navigable canal to be made by his men from the bed of the river higher up to the harbour of Massilia, a work of permanent utility from a commercial as well as military point of view. In all these preparatory labours he availed himself of the services of L. Sulla, whom he had brought with him from Africa, and who, as we may hence infer, could not as yet have set up any pretensions prejudicial to the glory of his chief with regard to the share he had in terminating the Numidian war by the capture of Jugurtha.

Third and fourth consulships of Marius, the latter brought about by the aid of the tribune L. Appuleius Saturninus.

The year 104 B.C. passed away, and the expected attack of the Cimbri and the Teutones did not come. The people were resolved that Marius and no other should conduct the war against them. They did not therefore leave the matter in the hands of the senate, which under ordinary circumstances would have decreed that Marius or the other consul should command in Gaul with proconsular power. Marius was re-elected consul for the year 103 B.C. But as even this year elapsed without the expected crisis, Marius found it necessary to go himself to Rome to secure his re-election for another year. Perhaps the opposite party had begun to show impatience at the repeated violation of the old law and practice. Since the time of Valerius Corvus, in the early years of the republic,[1] such a cumulation of consulships had not taken place, and never before had the office been continued year after year, as was now desired for Marius. In fact the annual duration of office was one of the fundamental principles of the republican constitution, as the responsibility of the magistrates depended upon it. To secure his point Marius found himself obliged to associate himself with Lucius Appuleius Saturninus, an audacious demagogue, who was at the time

[1] Cicero, *Cato m.* 17, 60: M. Valerium Corvum accepimus ad centesimum annum ætatem perduxisse . . . . cuius inter primum et sextum consulatum sex et quadraginta anni interfuerunt. He was consul 348, 346, 343, 335, 300, 299, besides twice dictator.

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tribune of the people, and to stoop to the undignified trick of pretending that he was tired of office, that he wanted to repose from his labours and would not accept office again. It was of course known to every child that this was a farce, that Marius was burning with ambition; and it must have produced disgust and anger in every man of honour when Saturninus, with affected indignation, denounced Marius before the people as a traitor to his country who tried to abandon his post in a time of danger.[1] By such means the election of Marius to his fourth consulship was carried, and at the same time that compact was made between him and the democratic leaders which was destined in a very short time to produce a violent convulsion.

Reappearance of the German tribes.

At last, in the year 102 B.C., the long-expected attack of the Germans took place. Returning from Spain they reappeared in Gaul, as it seemed, with the settled determination this time to invade Italy. Their numbers had been so much swelled by adventurers eager to share in the expected plunder, that they experienced great difficulty in finding sufficient supplies on the march. They were obliged to break up into several smaller bodies and to proceed by different routes. The Teutones and Ambrones proposed to march along the coast through Gallia Narbonensis, the Cimbri by a longer route north of the Alps, which would enable them to break into Italy by one of the passes in the eastern part of the mountains, where they had first encountered the Romans in 113 B.C. Thus they expected to penetrate into Italy from two opposite sides, to join their forces in the valley of the Po, and thence to march southward upon Rome.

Supposed plans of the Germans for the invasion of Italy.

If this, as we are informed by Plutarch,[2] was the plan of the enemies, the Romans were again, as on so many previous occasions, favoured by fortune, which divided their enemies and gave them time to encounter them

[1] Plutarch, *Mar.* 14: *προδότην αὐτὸν ὁ Σατορνῖνος ἀπεκάλει τῆς πατρίδος ἐν κινδύνῳ τοσούτῳ φεύγοντα τὸ στρατηγεῖν.*

[2] Plutarch, *Mar.* 15.

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successively. But it is difficult for us to conceive how barbarians who seem hitherto to have acted so utterly without a settled plan, could have concerted a scheme on this vast scale, requiring so much calculation of distances and obstacles, and presupposing so accurate a knowledge of the country.

Preparations of Marius for frustrating their designs.

Of the glorious campaign which ended at Aquæ Sextiæ with the annihilation of the Teutones and the Ambrones only a few meagre statements have come down to us. We really know nothing but the final result. How this result was foreseen by the genius of Marius, how it was secured by the spirit and discipline of the Roman soldiers, will for ever remain obscure, nay mysterious, for the little that we hear of it, far from explaining it, tends rather to make it unintelligible. It is reported that Marius kept quietly in his fortified camp near the confluence of the Rhone and the Isère, and there repulsed several irregular attacks of the barbarians. Why, after such a preliminary success, he did not forthwith abandon his defensive tactics and advance to the attack, we are not informed. No doubt Marius had good reasons for remaining quiet even when after their failure the enemies marched southward past the Roman camp,—an operation which took not less than six days. We might be tempted to fancy that a sudden attack upon a disorderly train, consisting not only of armed men but of women and children, would have broken the long-extended line and insured the utter defeat and annihilation of the whole host. But though his men were burning with impatience to be led against the enemy, Marius kept them motionless in his camp, listening to the taunts and the bravadoes of the barbarians as they passed under the very ramparts. Then he broke up his camp and followed them until he overtook them near Aquæ Sextiæ, a few miles to the north of Massilia. Here he took up his position on a plateau where there was no water.[1] Men of the train who had gone to

[1] Florus, iii. 3: Nostris aquarum nulla copia. Consultone id egerit imperator, an errorem in consilium verterit, dubium; certe necessitate acta virtus

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fetch water in a neighbouring river fell in with a party of the Ambrones, who to the number of thirty thousand were encamped close by. An irregular fight ensued. From both sides succour arrived; the fight swelled into a battle in which the whole body of the Ambrones was at last engaged. They were driven off the field and pursued to their camp. The Romans gained a clear victory, but it was a victory of the soldiers, not of the general. We can discover neither plan nor conduct in an affair which was brought about by an accidental collision and proceeded like a tavern brawl.[1]

Decisive victory of Marius at Aquæ Sextiæ.

The night which followed this preliminary fight was spent by the Romans within their camp in no confident mood.[2] It seems that after all the advantage gained was not very decisive. The Ambrones returned, and with them the chief body of the Teutones advanced and surrounded the Roman camp, which was not yet in a proper state of defence. The terrible war-cry of the barbarians, resembling the roar of wild animals, resounded through the night and waked the echo of the hills. Every moment an attack was apprehended.[3] It was an anxious night for the Roman army, but it passed, and the following day also, without direct hostilities. During the time the soldiers had been hard at work strengthening the fortifications of their camp, and when this was accomplished they felt secure. In the morning of the following day Marius resolved to give battle.[4] In a valley hidden from view in

victoriæ causa fuit; nam flagitante aquam exercitu 'si viri estis,' inquit, 'en illic habetis.'

[1] Plutarch, *Mar.* 19, says very sensibly: *τὴν μὲν οὖν παραποτάμιαν μάχην οὕτω κατὰ τύχην μᾶλλον ἢ γνώμῃ τοῦ στρατηγοῦ γενέσθαι λέγουσιν.*

[2] Plutarch, *Mar.* 20: *ἐκείνην μάλιστα τὴν νύκτα φοβερὰν καὶ ταραχώδη διήγαγον.*

[3] Plutarch, *Mar.* 20: *καὶ κατεῖχε φρικώδης ἦχος τὸ πεδίον, τοὺς δὲ Ῥωμαίους δέος αὐτόν τε τὸν Μάριον ἔκπληξις ὀλίγου τινα καὶ ταραχώδη νυκτομαχίαν προσδεχόμενον.*

[4] It is a great pity that we do not know whether Marius was in a position to force on a battle. Perhaps we may assume that he had outmarched the enemies and had now placed himself in their way on a ground previously selected for his field of battle. Something of this kind is indicated by the meagre words of

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the rear of the enemy he had posted a body of three thousand men, under the command of Marcellus, together with a great number of mounted baggage men.[1] When the Teutones beheld the Roman army drawn up in order of battle before the camp, they did not wait for the attack, but charged impetuously up the hill. Marius kept his men steady in line until the enemies had come within reach, then after the discharge of a murderous volley of the heavy pila he gave the order to advance with the sword. The Teutones, blown with their run and staggered by the volley of pila, could not long resist the onset of the legionary soldiers who came down upon them from the higher ground. Driven back upon the level ground they attempted to reform their line; but at this moment Marcellus with his men broke out from his ambush upon their rear, driving the hindmost ranks towards the front. Taken on both sides the disorderly mass was hopelessly lost, and many thousands were slain.[2] The whole tribe of the Teutones, it is said, was annihilated, and so great was the number of dead bodies that the land in the neighbourhood was made fertile by it, and the people of Massilia used the bones for fencing their vineyards. Among the prisoners was Teutobodus, the king of the Teutones, a man of such gigantic stature that when he walked in the triumphal procession of Marius his head towered above the trophies, and of such agility that he could leap over four and six horses.[3] It is related that the women who were captured slew one another when they found what would be their lot as the slaves of the conquerors.

the compiler Florus, iii. 3: Marius mira statim velocitate occupatis compendiis prævenit hostem, &c.

[1] Frontin. *Strateg.* ii. 4, 6.

[2] The numbers given by the historians are of course mere guesses, and no doubt vastly exaggerated. Velleius, ii. 12, reports that 150,000 were killed; Livy, *Epit.* 68, raises the number to 200,000, and adds 90,000 prisoners.

[3] Florus, iii. 3: Rex ipse Teutobodus quaternos senosque equos transsilire solitus, vix unum, quum fugeret, ascendit, proximoque in saltu comprehensus insigne spectaculum triumphi fuit, quippe vir proceritatis eximiæ super tropæa sua eminebat. According to Orosius, vi. 16, he was killed.

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Fifth consulship of Marius.

'The victory of Marius was complete, and his reward was a fifth consulship.[1]' He again went to Rome as in the year before, probably to make sure of his re-election, but he refused to celebrate a triumph as long as the second half of the barbarians who threatened Italy were still in the field. To destroy the Cimbri, as he had destroyed the Teutones, he considered as his special task; and his services were the more indispensable, as his colleague in the consulship, Lutatius Catulus, had failed to protect the frontier from their invasion.

Failure of Lutatius Catulus to resist the march of the Cimbri.

The Cimbri upon their separation from the Teutones had crossed to the east of the Rhine, and had penetrated over the Brenner pass. Their way into Italy was the valley of the Athesis (Adige or Etsch). Catulus hoped to block this road, and had drawn up the main body of his army on the right or western bank of that rapid river or rather torrent, had thrown a bridge across it, and fortified the eastern head of this bridge, so that he was at liberty to operate on either bank. But the troops under his command were not animated by the true Roman spirit, and were not trained and disciplined by a Marius. When the enemies approached, and set to work to destroy the bridge by trunks of trees weighted with stones which they launched against it, the legions were seized with a panic even before an attack was made upon the camp. It was impossible to calm them or to hold them back; they insisted upon retreating, and were on the point of breaking out of the camp in an ignominious flight. Another general would have opposed his own person to the wretched cowards, and left them no chance but to pass over his body. But Catulus had not the spirit for such heroism. Seeing that he could hold his troops no longer, he placed himself at their head to make it appear that the retreat was ordered by himself, and thus to save at least the

[1] Plutarch (*Mar.* 22) relates a story more curious than credible. Marius, he says, had just raised a great pile of arms, picked up on the battle-field, and was on the point of setting fire to it in celebration of his victory, when horsemen came pricking up direct from Rome to announce that he had been re-elected consul.

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appearance of military discipline. Plutarch praises the general for this prompt resolution, and for the noble spirit which he had shown by sacrificing his own reputation to that of his fellow-citizens.[1] This ingenious conceit deserves to be admired. It argues great skill in its author, whoever that may be, especially if it was the noble Catulus himself, as we are inclined to think, who was not only a great general, but also a scholar, a brilliant orator and art critic, and who, like Sulla and several others of his contemporaries, took care to note down and publish an historical account of his own exploits,[2] in which he was not remiss in praising himself and maligning those who were on the opposite side.

Bravery and promptitude of Cn. Petreius.

The pusillanimous conduct of Catulus and his army appears still more contemptible if it is compared with the bearing of the small detachment which was posted on the opposite bank of the Adige for the defence of the bridge. They awaited the enemy and offered a stout resistance, till at last they were overpowered and made prisoners. How much depended in such an emergency on the firmness of the commander we learn from an incident accidentally mentioned by Pliny.[3] When a centurion called Cneius Petreius observed that the tribune who was in command hesitated and shrank from the attempt to force a way with the sword, he struck him down, and, placing himself at the head of the small body, led them through the midst of the enemy to a spot where they were able to resist for some time longer. The Cimbri were not destitute of chivalrous spirit. They honoured the courage of the detachment, which they

[1] Plutarch, *Marius*, 23: ἔνθα δὴ Κάτλος ἔδειξεν ἑαυτὸν ὥσπερ χρὴ τὸν ἀγαθὸν καὶ τέλειον ἄρχοντα τὴν αὐτοῦ δόξαν ἐν ὑστέρῳ τῆς τῶν πολιτῶν τιθέμενον, ἐπεὶ γὰρ οὐκ ἔπειθε τοὺς στρατιώτας μένειν, ἀλλ' ἑώρα περιδεῶς ἀναζευγνύντας, ἅρασθαι κελεύσας τὸν ἀετὸν εἰς τοὺς πρώτους τῶν ἀπερχομένων ὥρμησε δρόμῳ, καὶ πρῶτος ἡγεῖτο, βουλόμενος αὐτοῦ τὸ αἰσχρὸν, ἀλλὰ μὴ τῆς πατρίδος γενέσθαι καὶ δοκεῖν μὴ φεύγοντας, ἀλλ' ἑπομένους τῷ στρατηγῷ ποιεῖσθαι τὴν ἀναχώρησιν.

[2] He wrote 'de consulatu et de rebus gestis suis.' See Cicero, *Brut.* 35, 132. There can hardly be any doubt that we owe to his pen the singular representation of his flight which Plutarch adopted.

[3] Plin. *Hist. Nat.* xxii. 6.

might have annihilated, by allowing them to depart unharmed.[1] The heroic Petreius was presented by his comrades with the most honourable of all military decorations, a wreath made of grass in acknowledgment of their deliverance by him from a besieging force.[2] CHAP. IX.

Catulus retired with his army, which though not defeated in battle must have been demoralised, towards the river Po, and with difficulty escaped the pursuing Cimbri by just managing to cross that river before they were upon him. The whole of that fruitful plain which extends between the Alps and the Po was now open to the enemy, and remained in their hands during the remainder of the year 102 B.C. This plain had not been devastated by a great war since the time of Hannibal. It was very rich and well cultivated. Its exceeding productiveness is praised in warm terms by Polybius, who knew it from personal observation.[3] It was now the prey of a greedy enemy, and probably suffered not less than Gaul had suffered a few years before. The Cimbri remained quite unmolested, and waited for the arrival of the Teutones before pushing further southwards towards Rome. The Cimbri in the valley of the Po.

Meanwhile Marius, as we have seen, had after his great victory at Aquæ Sextiæ gone to Rome. He seemed to be in no great hurry to finish in Italy the war which he had begun in Gaul. Perhaps he did not care to share the command with a man like Catulus, and preferred waiting for his election to another consulship for the year 101 B.C., so that he might have the command in his own Return of Marius to Rome. His sixth consulship.

[1] On what conditions they were dismissed is not stated. Plutarch (*Mar.* 23) only says that the terms were confirmed by solemn oaths. The Romans must have promised to do something which they could not do on the spot, perhaps to pay a certain sum as a ransom.

[2] Marius and also Catulus subsequently approved and honoured the deed of Petreius by attending at a solemn sacrifice which he offered. Plin. *Hist. Nat.* xxii. 6: Invenio apud auctores eundem [Petreium] præter hunc honorem adstantibus Mario et Catulo prætextatum immolasse ad tibicinem foculo posito. It was probably on the occasion of the flight of Catulus that the son of M. Aurelius Scaurus exhibited the cowardice which his father punished by forbidding him to appear before his face. In consequence of this disgrace the young man killed himself (Aurel. Victor, v. 72).

[3] Polyb. ii. 15.

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hand alone. His army was brought from Gaul into northern Italy, and as it would seem, under the command of Sulla, united with the army of Catulus. The latter must have required repose and reorganization under a vigorous hand before it could again be led against an enemy from whom it had so ignominiously fled.

March of Marius to Vercellæ.

The summer of 101 B.C. had already come, when at length Marius at the head of the two combined armies opened the campaign against the Cimbri. He crossed the Po, and came upon the enemy in the neighbourhood of Vercellæ.[1] It is reported that the Cimbri as yet had no knowledge of the crushing defeat of the Teutones at Aquæ Sextiæ,[2] and that they were still waiting for their arrival. But this is simply impossible. If the conveyance of news had been so slow that a whole year was not sufficient to spread reports of such a catastrophe from one side of the Alps to the other, a combined operation of the two tribes could never even have been projected. But this and all other statements that have reference to the campaign of 101 B.C. are in the highest degree confused and fantastical; nay, some of them are evident misrepresentations of the real events. If we were sure that these misrepresentations were derived from Sulla's own memoirs,[3] we should have to form a very mean opinion of that great man's literary fitness for writing history, and of his veracity. But in all probability it was Lutatius Catulus to whom we are indebted for most of the nonsense and the lies which disfigure the narrative of this campaign.[4]

[1] Plutarch, *Mar.* 25.

[2] Plutarch, *Mar.* 24, leaves it doubtful whether they did not know or pretended not to know: *εἴτε ἀγνοοῦντες ὄντως τὴν ἐκείνων φθορὰν, εἴτε βουλόμενοι δοκεῖν ἀπιστεῖν.*

[3] According to Plutarch, *Mar.* 25, 26, some features in the description of the battle of Vercellæ which depreciate the merits of Marius and extol those of Catulus are taken from Sulla's memoirs. But we should bear in mind that Sulla left these memoirs unfinished to the care of Lucullus, and it is at least possible, though by no means certain, that the guilt of misrepresentation rests partly on other shoulders.

[4] Plutarch twice refers to the narrative of Catulus (*Mar.* 25 and 26).

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Fictitious narratives of the battle.

When the two armies were near each other, the Cimbri, we are told, sent messengers and repeated the demand once made before for land to settle upon. When this was refused, they requested Marius to fix the time and place for a battle, and, as if this request were not silly enough, it is added that Marius, though he at first had rejected it as unreasonable, yet finally agreed to it, and fixed the third day for a meeting of the two armies in the Raudian plain near Vercellæ.[1] There the Cimbri drew up in a square, of which each side was thirty stadia, or almost four Roman (three and a half English) miles, in extent; the warriors forming the first ranks were fastened together with chains, so that no one of them could move forward or backward by himself. It is difficult to conceive how such stuff could find its way into serious books of history, and could be repeated without hesitation to the present day. The inventors of this ingenious device are perhaps the same who related that the Cimbri crossed the snow mountains of the Alps by sliding down on their shields,[2] and that they endeavoured to stem the torrent of the Adige with their shields and hands.[3]

Reasons for these garbled statements.

As worthless as this account of the proceedings of the Cimbri is the description given by Plutarch and others of the great battle itself in which Marius overthrew and annihilated the power of the barbarians. Here we can see quite distinctly that jealousy of Marius guided the writer's pen. He says that Marius purposely placed Catulus and his twenty thousand and three hundred men in the centre of his line of battle, and drew the centre

[1] Plutarch, *Mar.* 25: τὸ πεδίον τὸ περὶ Βερκέλλας. Flor. iii. 3: In patentissimo quem Randium vocant campo.

[2] Plutarch, *Mar.* 23: ἄνωθεν δὲ τοὺς θυρεοὺς πλατεῖς ὑποτιθέντες τοῖς σώμασιν, εἶτ' ἀφέντες αὑτοὺς ὑπεφέροντο κατὰ κρημνῶν ὀλισθήματα καὶ λισσάδας ἀχανεῖς ἐχόντων. Feats of this kind may have been practicable for the men, but what about the women and children, carts, baggage, and draught animals? The Cimbri were not Alpine tourists, but a whole nation wandering.

[3] Flor. iii. 3: Postquam retinere amnem manibus et clipeis frustra temptaverant. Comp. Strabo, vii. 2, who ridicules the story that the Cimbri fought with their swords against the waves of the sea.

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further back than the wings, in order that Catulus might not have a chance of coming upon the enemy before the wings where his own troops fought had closed with them and decided the victory. But, we are further told, the result was very different from what Marius had designed. Clouds of dust arose before him and hid the enemy from his view, so that he advanced in the wrong direction where he did not meet the enemies at all. Meanwhile, Catulus' army came right upon the main body of the Cimbri, and had the greatest share in the victory, conquering the greatest number of hostile standards and causing the greatest slaughter. We are here expected to believe that such an experienced general as Marius charged all the while into a cloud of dust, whilst close beside him thousands of enemies stood closely packed, and were engaged in a fierce struggle with his centre. But it is not likely that Marius expected to defeat the Cimbric host with one half of his army, and that he feared that Catulus might gain the victory too soon. It is far more likely that Marius placed no great confidence in a commander who had so discreetly turned his back upon the enemy the year before, and in soldiers who had broken panic-stricken out of a fortified camp. He had no doubt good reasons for assigning to them the central position in his line, and for curving that line inward, so that they were not the first to come into conflict with an enemy whom they so much dreaded. In point of fact, there can be no doubt whatever that it was Marius who planned and fought the battle, whatever efficient aid may have been rendered by Sulla or even by Catulus.

Total destruction of the Cimbri.

Though we do not know how the battle of Vercellæ was fought, we know that it ended with the total destruction of the hostile army and with the final deliverance of Italy from the greatest danger which had threatened it since the invasion of Hannibal. The irregular bravery of the barbarians succumbed to the disciplined valour of the Roman legions and to the superior tactics of the Roman leaders. The heat of the Italian summer also was in

favour of the sons of the south, for the battle was fought on the 30th of July. Marius had chosen his position so skilfully that the direct rays of the sun blinded the enemies, whilst the wind blew the dust into their faces. They were soon spent with fatigue and were slaughtered by thousands. Pursued to their laager waggons, they were assaulted by their own wives with knives and axes, and driven back upon the Romans at their heels. The women themselves preferred death at their own hands to slavery. Thus the battle ended in extermination. Several hundreds of thousands are said to have been slain or captured, whilst the loss of the Romans was quite insignificant.

Importance of the results of the battle.

The battle in the Raudian plain near Vercellæ, of the details of which we know next to nothing, was one of the great decisive battles in the annals of Rome and of the world. The movement of the German races southward was for the present stopped. Rome was saved, and the saviour of Rome was Marius, the champion of the people. He now occupied a position too prominent for a man of his ambitious character. There was no room in the republican constitution for the continuance of such power, to which he had been now accustomed for years, and he was too proud to step back into the rank of a common citizen. It has been truly remarked, that had he now died, he would have gone down to posterity as one of the greatest men of his people, as a second Romulus or Camillus, unstained with any blood save that of foreign foes. But he lived, unfortunately for himself and for his country, to bring greater calamities over Italy than any invasion of barbarians could have produced.

The triumph of Marius and Catulus.

The double triumph which Marius celebrated for his victories over the Teutones and the Cimbri marks the climax of his great career. The peasant's son had risen to a height which he could hardly have reached in his wildest dreams. He stood so high that he could afford to be modest and generous. In the preceding year he had refused the triumph offered for his first victory, because he had only done half his work. Now he refused to claim all

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the honour for himself, though it was he who had incontestably the merit of the great success.[1] He insisted that Catulus who had fought by his side should also triumph by his side, and he shared the most coveted of all distinctions with a man who must have been even then secretly his enemy. Lutatius Catulus did all he could to tarnish the laurels of Marius by his lying reports of his own superior services; and worse than this, he proved himself the most implacable foe of Marius in that dreadful hour when the saviour of Rome was driven from her walls with a price put on his head.[2] To be just, we must say that the coarse but honest soldier deserves more respect than his high-born and refined detractors. It would have been fortunate for Rome if his talents as a statesman had equalled his powers as a soldier: for his sense of justice would have preserved him from the mad freaks of such men as Appuleius and Glaucia, Cinna and Carbo, with whom he was afterwards associated, and who led him into paths which he could not tread with safety and honour.

[1] Liv. *Epit.* 68: Marius totius civitatis consensu exceptus pro duobus triumphis qui adferebantur uno contentus fuit. Plutarch, *Mar.* 27: *θριαμβεύειν μόνον τὸν Μάριον ἠξίουν ἀμφοτέρους τοὺς θριάμβους· οὐ μὴν ἐθριάμβευσεν οὕτως ἀλλὰ μετὰ τοῦ Κάτλου.*

[2] Appian, *Bell. Civ.* i. 74.

CHAPTER X.

INTERNAL HISTORY FROM THE GRACCHI TO THE SOCIAL WAR. 121–91 B.C.

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Imperfect evidence for the history of this period.

THE events that took place in the internal life of the Roman people between the failure of the Sempronian reforms and the beginning of the murderous Social war are very imperfectly known from a variety of casual notices and unconnected statements, which are scattered in writers of secondary importance and mostly of a later period. The deficiency thus existing in the sources of our information is to some small extent supplied by fragments of two laws, the Thorian and the Acilian, which have been preserved in the original. These authentic fragments give minute and accurate information on several important points of detail; but they do not make up for the want of a coherent historical narrative such as is contained in the works of Polybius, Sallust, and Livy for other parts of the republican period. In consequence of this want we are unable to explain the cause, tendency, and effect of a great number of events. Some of these events are known only by the occurrence of a name or a casual allusion in writers who refer to them as well known, and therefore give no explanation of them. In addition to this we find that the scanty information we possess is coloured by party spirit and personal antipathies, so that the greatest caution is required in its use. If we had these party statements complete, we should be able to cross-examine our witnesses, to test the veracity of one by the facts of the others, but this is unfortunately impossible. The historical literature of this period of the decline of the republican institutions has been under

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the influence of a malignant star. It was exceedingly rich and diversified. The time of Sulla was a period of great literary activity, especially in the department of historical literature. Speeches, memoirs, annals in Latin and in Greek, were composed in great numbers. The speeches of C. Gracchus, C. Fannius, C. Papirius Carbo, L. Crassus, M. Cato, M. Antonius, C. Memmius, C. Flavius, the memoirs of Rutilius Rufus, Æmilius Scaurus, Lutatius Catulus, and Sulla, the annals of Claudius Quadrigarius, Valerius Antias, Cornelius Sisenna, and Licinius Macer, contained abundant materials for the history of this time. But almost every vestige of all this literary work has disappeared, nay the writings derived from these sources, such as the respective books of Livy, are likewise lost, and there is nothing left but meagre abridgments of abridgments, compiled by superficial writers of a late period. We have therefore a difficult task to perform, and must be satisfied if we can trace, though in faint outline, the main features of that constitutional, social, and moral change which prepared the final revolution and the establishment of a military monarchy.

Effects of the Sempronian laws.

The government of the nobility, which had not been disturbed for a hundred years, was shaken but not broken by the reforms introduced by the two Gracchi.[1] The senators had lost the jurisdiction which before had been their special privilege; but the senate, as such, had preserved its purely political rights, and continued to be the central and permanent board of control for all the various annual magistrates, and, as such, the principal bulwark of the aristocracy. Besides, the senatorial families continued to possess wealth and the influence of wealth, in spite of the agrarian laws of the Gracchi and the confiscations which had taken place or had been threatened. Things had remained or had again become pretty much what they had been before the Sempronian laws. Also the economical condition of the people had been little affected.

[1] Vol. iv. p. 320.

They had not become independent of the rich by the distribution of corn, nor had a new class of peasants and small freeholders been created by assignments of land. The merchants and wealthy capitalists, the farmers of the state revenue, and the great contractors for public works, remained what they had been, intent on pecuniary gain and little inclined to interfere in political affairs. They had not become a party in the state, able to serve as a counterpoise to the senate, as it had been the intention of C. Gracchus when he transferred to them the courts of justice by the judiciary law.

Dangers threatening the constitution of the republic.

The old fabric of the constitution and society therefore had remained but little damaged apart from a few dangerous cracks and settlings. It was still habitable, though no longer quite comfortable and safe, if new storms should beat against it. The violations of the formal law, committed by the Gracchi as well as by their opponents, had broken the charm which had surrounded the old institutions and preserved them in spite of all their defects. As the government had at its disposal neither a standing army nor a great police force, it was the people themselves and their attachment to the existing order of things, which could alone guarantee its continuance. The general feeling that the laws were inviolable had made them so. But Tiberius Gracchus, by his violation of established law and custom, and especially by the violation of the tribunician 'sacrosanctitas,' undermined the foundation on which all order rested, and caused a disregard for the constitution which was most fatal to it. It was he who put the momentary whim of the people in the place of long-established fundamental law. He preached the doctrine of the omnipotence of the popular assembly, and taught succeeding demagogues how by the clever use of this machinery they could make themselves masters of the state, deal freely with all public and private rights, and in fact substitute a popular or personal despotism for the dominion of the laws. A state which was thus always at the mercy of the populace could continue to exist only so

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long as it was possible to keep the populace in good humour or to deprive them by force or skill of dangerous leaders.

Infatuation of the Roman nobles.

If the Roman nobility had clearly apprehended the danger which was threatening their own existence and that of the republic, and if they had been firmly resolved to work out a reform, it might still have been possible to stave off the collapse of the old institutions. The first sacrifice which they would have had to make for this purpose would have been a renunciation of the privilege of enriching themselves by the plunder of the commonwealth. They would then have had to stoop to the necessity of reinvigorating themselves and the whole community by the reception of new blood. They did neither the one nor the other. Instead of decreasing, the avarice, rapacity, and venality of the nobles increased from year to year. The claim of the Italian allies for admission into the Roman citizenship, which once made and backed by the democratic leaders was sure to reappear at the earliest opportunity, was rejected with proud disdain and from selfish motives. Thus the time was wasted in which a reform might have been tried with effect. When Sulla, a generation later, attempted a restoration of the aristocratic constitution, it was too late.

Incapacity for reform.

From the Gracchi down to Sulla we cannot discover a single bold, comprehensive, genuine attempt to reform the republican constitution. All the attempts that were made were partial, paltry, and so feeble that the proposed measures were either not carried or soon again set aside. A gradual reform in detail would not in itself have been hopeless. On the contrary it would have agreed with the old practice by which isolated and partial improvements, successively introduced, had secured the development and expansion of the primitive form of government. But to advance by this road, it was essential that steps once taken should not be retraced. It was of no avail to make laws on one day and on the next to repeal them, to overthrow them by violence, or to treat them as of no binding force.

This oscillation necessarily weakened the respect for all laws and diminished the authority of that class of citizens which supplied magistrates and senators, and was regarded by the great mass of the people as the chief support of the existing institutions.

The Servilian law.

We have already seen how the nobility succeeded in delaying the execution of the agrarian laws of the Gracchi, then in modifying them in their own interest, and finally in putting them aside altogether. By-and-by the attempt was made by a lex Servilia to abrogate the judiciary law of C. Gracchus, and to restore, at least in part, the judicial functions to the senators, by forming a mixed body of judges, consisting of senators and knights.[1] This law was probably passed in 106 B.C.,[2] but it must have

[1] This is the purport of the lex Servilia Cæpionis, according to Julius Obsequens, 101: Per Cæpionem consulem senatorum et equitum iudicia communicata; and according to Cassiodorus, *Chron.* s. a.: His consulibus per Servilium Cæpionem consulem iudicia equitibus et senatoribus communicata. These statements are positive and conclusive. They are not refuted by the following passage of Tacitus (*Annal.* xii. 60): Cum Sempronii rogationibus equester ordo in possessione iudiciorum locaretur aut rursum Serviliæ leges senatui iudicia redderent, Mariusque et Sulla olim de eo vel præcipue bellarent. The expression used by Tacitus is a little vague and careless, but is compatible with an interpretation which makes it agree with the testimony of the two other witnesses. The iudicia were in fact given again to the senate, though in part only, by the Servilian law. See A. W. Zumpt, *Röm. Criminal-Recht*, ii. 1, p. 192.

[2] Mommsen, *Röm. Gesch.* ii. p. 132, is of opinion that the rogation of Servilius Cæpio was not passed. But the way in which it is mentioned allows of no doubt that it became law. If it had not, we should never have heard of it. It was long the general opinion that remnants of this Servilian law had been preserved. There are several fragments of a bronze tablet, fully described by Mommsen in *Corpus Inscript. Lat.* i. p. 49, which contain two laws in the original. On one side was engraved the lex Thoria, on the other there are considerable portions of a law which regulated the organization of certain courts. These were supposed to belong to the lex Servilia; but it is most probable that they are parts of a lex Acilia, twice quoted by Cicero (in *Verr.* Act. i. 17, 51; Act. ii. 1, 9, 26). The law contained, among other matters, special regulations relating to the formation of the juries, which agree with the Sempronian lex iudiciaria. It belongs most likely to the time immediately succeeding the death of C. Gracchus. The fragments are edited by Klenze (*Fragmenta legis Serviliæ*, Berlin, 1825), by Rudorff in 1862, and by Mommsen in the *Corpus Inscript. Lat.* n. 198, p. 49. A full critique is given by A. W. Zumpt in his *Criminal-Recht der röm. Republik*, ii. 1, chaps. 7–11.

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been of very short duration.[1] Its author, Servilius Cæpio, who by this proposal and in his whole policy aimed at a position such as was afterwards occupied by Sulla, and who was actually called at one time the 'patron' of the senate,[2] had the great misfortune of causing the terrible defeat of the Roman army on the Rhone in 105 B.C.,[3] and thereby facilitating the election of Marius for his second consulship. He was thus suddenly interrupted in his political career, and the aristocratic restoration which he planned fell to the ground. Had he proved himself an able general and returned home as a conqueror over the barbarians, he might have led his party also to triumph. His incapacity, as we have seen, thwarted all these projects and brought him to an ignominious end. He was deposed from his proconsular command by a resolution of the people[4] (a plebiscitum), and removed from the senate by a law which the tribune of the people, Cassius Longinus, had proposed to the effect that any magistrate formally deprived of his office should also be expelled from the senate.[5] He was soon after[6] accused of having robbed the sacred treasure of Tolosa, which, as he asserted, had been carried off by force on the road to Massilia.[7] By a resolution of the people[8] a

[1] Cicero (*in Verr.* Act. i. 13, 37) was therefore justified in ignoring the period of the restored senatorial jurisdiction when he said that the knights had been in possession of the tribunals for 'almost fifty years.' The number fifty is a round number, and hardly appropriate for a period which (from C. Gracchus to Sulla) lasted only forty-two years.

[2] Valer. Max. vi. 9, 13.

[3] Above, p. 95.

[4] Mommsen (*Röm. Gesch.* ii. p. 181) is mistaken in calling this deposition unconstitutional. The deposition of a magistrate during his year of office was indeed unconstitutional. See vol. iv. p. 80. But the case was different with a magistrate whose official authority was prorogued. The prorogation was not, like the office itself, conferred for a limited time, but might be indefinitely extended as well as arbitrarily shortened. See Liv. xxvii. 20, 21; xxix. 19, 6. Appian, *Hisp.* 83.

[5] Ascon. ad Cic. *Cornel.* 78.

[6] Probably 103 B.C., as shown by Mommsen, *Röm. Gesch.* ii. p. 182.

[7] Above, p. 93, and A. W. Zumpt, *Röm. Crim.-Recht*, i. 2, 349.

[8] This resolution was moved by the tribune, C. Norbanus, and on this occasion disorderly scenes took place. Two tribunes who wished to interpose their veto were prevented by force; Æmilius Scaurus, the first senator (*princeps senatus*), and others were wounded with stones. On account of these acts of violence, a few years later (93 B.C.) C. Norbanus was accused by P. Sulpi-

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judicial inquiry was instituted against him, and also against the consul Mallius and others implicated in the guilt of having caused the great military reverse of 105 B.C.

Violent feeling against the nobles.

Thus Quintus Servilius Cæpio was selected as the foremost victim of his party, to suffer for its shortcomings and misdeeds. He lost his whole fortune, which was confiscated as an offset against the lost Tolosan treasure. He was even condemned to death, and only escaped the last penalty of the law by the interposition of the popular tribune, L. Antistius Reginus, a devoted personal friend who rescued him from prison.[1] He was, however, obliged to leave Rome and spent the rest of his life at Smyrna, whither his friend Antistius had followed him.[2] Cneius Mallius, the consul of 105 B.C., who shared with Cæpio the defeat on the Rhone, was also condemned.[3] It is clear, though our information is very scanty, that Rome was agitated with the most violent party contests, not unlike those, in all probability, which followed the miscarriages of the noble commanders in the Jugurthine war. The nobility suffered for the vices of its representatives. A reaction took place, and the law of Servilius Cæpio was superseded by another lex Servilia, passed under the auspices of Servilius Glaucia, by which the senators were again ousted from the judicial office and the Sempronian law was restored.[4]

Reforms affecting religion.

In the midst of these violent convulsions and of the anxiety produced by the war with the Cimbri the work of

cius Rufus under the lex Appuleia de maiestate. Norbanus was defended by the great orator M. Antonius, who argued that a 'seditio' was justifiable under the circumstances then existing in Rome (illam Norbani seditionem ex luctu civium et ex Cæpionis odio, qui exercitum amiserat, neque reprimi potuisse et iure esse conflatam. Cicero, *De Orat.* ii. 28, 124). Antonius made out that the punishment of Cæpio, even if irregular, was not an offence against the majesty of the people (a *crimen maiestatis*), but, on the contrary, that it added to that majesty. Norbanus was acquitted partly in consequence of the defence of Antonius, partly because the knights who were then the judges hated Cæpio on account of his attempt to deprive them of the judicial office. Cicero, *De Orat.* ii. 47–49.

[1] Valer. Max. iv, 7, 3.

[2] Above, p. 94.

[3] On the political prosecutions in Rome, see vol. iv. pp. 94, 133.

[4] Cicero, *Brut.* 62, 224; *P. Scaur.* i. 2.

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partial and minor reforms went on. The tribune of the people, Cneius Domitius Ahenobarbus, an ancestor of the emperor Nero, proposed and carried a law in 104 B.C.[1] to the effect that the office of pontifex should be conferred by popular election. The ancient sacred law abhorred all direct interference of the people in matters of religion. The collegia or corporations of pontifices, augurs, keepers and interpreters of the Sibylline books, filled up vacancies in their respective bodies by co-optation. Thus the appointment of priests might be looked upon as effected under the direct influence of the gods;[2] it was not affected and influenced by the strife of political parties. The sacerdotal dignity remained intact, and the observation of all the minute religious ceremonies in the transaction of public and private business could be insisted upon more effectually than if popular favour had conferred the priestly office. The priests could lend their aid to the government and could help to prevent hasty legislation, when the comitia tributa had begun to emancipate themselves from the tutelage of the senate, and popular leaders presumed to break in upon the long dominion of the nobility. But even the divine law could not resist all change, though it was the last to give way. Shortly before the Hannibalic war[3] the first breach in it was made by a law which, without touching the right of co-optation of the other pontifices, gave to the people the election of the pontifex maximus and of the chief curio out of the members of the respective corporations. Now in order to avoid the appearance of a popular election, seventeen out of the thirty-five tribes were drawn by lot,

[1] Ascon. in Cicer. *Cornel.* p. 78, Orelli. According to Velleius, ii. 12, it was in the third consulship of Marius, which would be a year later, 103 B.C.

[2] See Cicero, *Læl.* 25, 96, quoted below, p. 121, n. 4.

[3] Mommsen, *Röm. Staatsr.* ii. 1, 24. The law is first seen in operation in 212 B.C. (Liv. xxv. 2). As Livy neither in the first nor in the third decade speaks of its passing, he must have reported it in the second, which is lost. Perhaps it was one of the measures introduced by C. Flaminius, whose career as a democratic reformer was cut short by his death in the battle of Lake Thrasymenus.

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and this smaller half of the people designated the person[1] who was to be declared chief pontifex by the other members of the pontifical body.[2]

Previous abortive efforts for such reforms.

Thus at a comparatively early time the head of the state religion was nominated by the people. But the election was restricted, inasmuch as nobody could be made pontifex maximus who was not a member of the pontifical body already, and had become so by co-optation. An attempt was made to remove this privilege in 145 B.C. by C. Licinius Crassus, who anticipated in some respects the policy of the Gracchi and attempted also to pass an agrarian law.[3] He proposed that co-optation should cease, and that all the vacancies in the pontifical corporation should be filled up by popular election. But the time had not yet come for so bold an innovation. Crassus met with general opposition. Even the moderate Lælius, who was much inclined to introduce reforms himself, spoke against him.[4] Another forty years passed during which the Sempronian laws agitated the state. It does not seem that the Gracchi included the popular election of the pontifices in their programme. But the democratic party never lost sight of it, and at last it was carried by Domitius Ahenobarbus, who was himself a member of the highest nobility and far from revolutionary in his policy. His law regulated the election of pontifices, augurs, and

[1] Cicero, *De Leg. Agr.* ii. 7: Quod populus per religionem sacerdotia mandare non poterat, ut minor pars populi vocaretur: ab ea parte qui esset factus, is a collegio cooptaretur.

[2] A kind of *congé d'élire*, which bestowed on the people the substantial right of election, and left to what may be called the pontifical chapter the empty form of renunciation.

[3] The allusion to this law in Varro, *De Re Rust.* i, 2, 9, is very obscure, and admits of no satisfactory interpretation. Comp. Pauly, *Real-Encyclop.* iv. p. 1056. C. Licinius Crassus is stated by Cicero (*Læl.* 25, 96) to have first introduced the practice by which the public orators turned their faces towards the forum and away from the comitium, a practice ascribed by Plutarch (*C. Gracch.* 3) to C. Gracchus. See vol. iv. p. 444.

[4] Cicero, *Læl.* 25, 96: Meministis quam popularis lex de sacerdotiis C. Licinii Crassi videbatur: cooptatio enim collegiorum ad populi beneficium transferebatur. . . . Illius rationem religio deorum immortalium nobis defendentibus facile vincebat.

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the keepers of the Sibylline books,[1] all of whom were to be elected in the same manner as the pontifex maximus, by seventeen tribes out of the thirty-five, and out of a list of candidates drawn up by the respective corporations. As all the priestly offices were held for life, elections could take place only when vacancies occurred by death. The candidate elected by the majority of the seventeen tribes was then presented to his brethren for co-optation, which, however, was a mere matter of form.

Political character of the Roman religion.

The election of the priests by popular suffrage placed them almost on a level with the political magistrates, and tended to diminish that awe and reverence which the vulgar naturally have for persons of independent station and superior authority. The national religion had long been an instrument for political purposes, and it naturally lost its spiritual influence in proportion as it became more mixed up with party politics. In truth its spiritual influence had never been great. It consisted too much of mere ceremonial observances to have a hold on the imagination and to influence action. Its emptiness and insufficiency were felt more and more, as the Roman people emerged from their original isolation and came into contact with more cultivated and more excitable nations. From the Greeks and from the peoples of Asia the sober-minded Italians received religious impressions which filled their imagination with new conceptions of the Deity, and warmed them to more fervent, enthusiastic, and excited modes of worship. We have seen this exemplified in the practices introduced by the worshippers of Bacchus.[2]

Influence of Oriental forms of worship.

The Asiatic rites which found their way to Rome were still more passionate. Kybele, the great mother of the gods, had been publicly received among the Roman deities as early as 205 B.C.[3] Her festivals and games, the Megalesia, became more and more popular, though something that was strange and offensive always clung to the

[1] Mommsen, *Röm. Staatsr.* ii. 1, p. 26. Mommsen is of opinion that the *epulones* were also included; but there is no direct evidence.

[2] Vol. iv. p. 264.

[3] Vol. iv. p. 271.

wild ceremonies of this Oriental worship, and no native Romans were allowed to dedicate themselves to its service. The castrated Asiatics, called Galli, who walked or danced in procession to the sound of flutes and drums, chanting and begging, were no doubt at first looked upon with awe and a mixture of contempt,[1] but gradually the Italians caught the infection. Times of danger and great national calamities are always favourable to the spread of superstition, and this is well known to those who profit by it.

Mission of the prophet Battakes.

Accordingly we find that in the great excitement produced by the Cimbric war, a high priest of the great Idæan goddess, named Battakes, came from Pessinus in Phrygia to Rome, dressed in his fantastical gold-embroidered robes, with a huge golden crown or mitre on his head. He gave out that he was commissioned by the goddess to declare that her sanctuary in Rome had been desecrated, and must be purified by the public authorities. He was so presumptuous that he actually addressed himself to the magistrates and to the senate. He even ascended the public platform in the market-place and ventured to preach to the people, trying to rouse their superstitious fears. The fact that a foreign priest could venture so far is sufficient evidence that the Romans at that time were most tolerant in matters of religion, and moreover that the foreign modes of worship had already taken root

[1] This is unmistakeable in the description of Lucretius, ii. 610:

Hanc variæ gentes antiquo more sacrorum
Idæam vocitant matrem, Phrygiasque catervas
Dant comites, quia primum ex illis finibus edunt
Per terrarum orbem fruges cœpisse creari.
Gallos attribuunt, quia numen qui violarint
Matris et ingrati genitoribus inventi sunt,
Significare volunt indignos esse putandos
Vivam progeniem qui in oras luminis edant.

618:

Tympana tenta tonant palmis et cymbala circum
Concava, raucisonoque minantur cornua cantu,
Et Phrygio stimulat numero cava tibia mentes,
Telaque præportant violenti signa furoris,
Ingratos animos atque impia pectora volgi
Conterrere metu quæ possint numine divæ.

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in Italy. Yet the arrogance of the priest provoked resistance at last. It was especially his golden crown, an emblem of royalty in the eyes of the people of Rome, that provoked resistance. Battakes was compelled by Aulus Pompeius, a tribune of the people, to lay it aside. When, thereupon, he continued his preaching, with the applause of a numerous crowd, serious disturbances ensued, and the senate ordered him to withdraw and keep within the lodging which had been assigned to him. The prophet called the vengeance of heaven upon his persecutors, and had the satisfaction of seeing the hostile tribune suddenly fall into a sickness and die within three days. His triumph was complete. Nobody dared to deny his divine mission. He was permitted to resume his full priestly dress, was loaded with presents and honours, and when he left Rome was accompanied by a long train of men and women.[1]

Effect of foreign superstitions on the national religion.

Whilst foreign superstitions poured into Rome and found enthusiastic sectaries in great numbers, it appears that the native religion ceased to inspire that respect and veneration without which no religious institutions can retain their vital power. No part of the Roman worship was more noble and imposing in its conception than that which centred in the temple of Vesta, the common hearth of the civil community. This temple and its service stood under the immediate supervision of the chief pontiff, whose official residence, the old palace of the kings, adjoined it. The priestesses of the goddess, only six in number, were chosen by him from the most distinguished families, and consecrated to her service for a period of thirty years. They enjoyed special privileges, and a respect which marked them in everything as the foremost of their sex. In return for these honours they were bound under cruel penalties to perform most scrupulously their sacerdotal duties, to keep the eternal flame burning, and to preserve unpolluted their own virgin purity. An offence committed by a Vestal virgin was looked upon as constituting or portending a national misfortune.

[1] Diod. *Frg.* xxxvi. 13.

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Prosecutions for failure in religious duty.

This being so, the greatest interest attaches to a celebrated trial of several Vestals which took place in 113 B.C. As we happen to have more information on this than on most other events that happened in this period, it is worth while to examine it somewhat in detail. Whether the charge of unchastity[1] was well founded or not, the fact in itself that such a charge could be brought, and that the alleged guilt of the Vestals was made the subject of investigation, is characteristic of the moral feeling prevailing at the time, and of the respect generally entertained for the servants of religion and for religion itself.

Story of the daughter of Helvius.

The year 114 B.C. was marked by a great public calamity, for in it the consul, C. Porcius Cato, suffered a signal defeat in Thrace, and lost his whole army.[2] In this same year a Roman knight, called Helvius, who had come from Apulia to Rome with his daughter, to see the public games, was, on his return journey, overtaken by a sudden thunderstorm. In order to get quickly under cover, he caused his daughter to mount on horseback. She was riding along when a flash of lightning killed her and the horse which she rode. When she was examined, no sign of injury was found on her. Only her tongue was protruding. Her clothes were not rent, but stripped off, so that the naked body was visible. Her rings and bracelets and all her golden ornaments lay scattered about, mixed up with the trappings of the horse.[3]

Information of a slave against the Vestal virgins.

An event like this was a portent, an indication of divine anger brought upon the people by some dire offence against the gods. The guilty must be found out and punished. The public mind, already in a state of excitement on account of the Thracian disaster, was easily persuaded that some great disgrace was about to come upon

[1] The unchastity of a Vestal virgin was called incest, and was punished by burying alive.

[2] Above, p. 26. Flor. iii. 4, 3: Sævissimi omnium Thracum Scordisci fuere, sed calliditas quoque ad robur accesserat. Silvarum et montium situs cum ingenio consentiebant. Itaque non fusus modo ab his aut fugatus, sed, simile prodigio, totus interceptus exercitus, quem duxerat Cato.

[3] Plut. *Quæst. Rom.* 83. Jul. Obsequens, 97. Cros. v. 15.

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Roman virgins and Roman knights. This prophetic sentiment sufficed to single out the victims. Before long it became known by the information of a slave that three Vestal virgins, Æmilia, Marcia, and Licinia, had actually broken their vow of chastity. The chief pontifex, Publius Cæcilius Metellus, instituted an inquiry, and found Æmilia, one of the three, guilty, but acquitted the other two.[1]

Case of the Vestal Æmilia.

What punishment the pontifex decreed in the case of Æmilia is not reported. He cannot have condemned her to death, as the law required in case of proved unchastity of a Vestal, for the proceedings against her were afterwards resumed. It is therefore probable that the pontifex thought the charge of unchastity was not proved, and that he only reprimanded her for some negligence, or for light, indecorous behaviour.[2]

Commission of inquiry moved by S. Peducæus.

This decision of the pontifex does not seem to have satisfied public opinion, which, we must remember, was meanwhile, in 113 B.C., again alarmed by a great national calamity, the defeat of the consul, Cn. Carbo, by the Cimbri. Accordingly Sextus Peducæus, a tribune of the people, brought forward a motion for the appointment of a commission to inquire, under the presidency of L. Cassius Longinus, well known for his severity, into the cases of alleged prostitution of Vestal virgins, which was a crime not only against religion, but against the safety of the state.[3] This motion was in reality a revolutionary infringe-

[1] L. Cæcilius Metellus was the same who, as censor 115 B.C., ejected thirty-two members from the senate (Liv. *Epit.* 62). This is sufficient proof that he was a severe judge in maintaining public morality, and it explains the fact that he had many personal enemies. He also endeavoured to bring back the ancient simplicity of scenic plays. Cassiodor. s. a.: L. Metellus et Cn. Domitius censores artem ludicram ex urbe removerunt præter Latinum tibicinem cum cantore et ludum talorum.

[2] Such a reprimand was given in 420 B.C. to a Vestal who was charged with having broken her vow. Liv. iv. 44, 11: Eodem anno Postumia virgo Vestalis de incestu causam dixit, criminis innoxia, ab suspicione propter cultum amœniorem ingeniumque liberius quam virginem decet parum abhorrens. Eam ampliatam deinde absolutam pro collegii sententia pontifex maximus abstinere iocis colique sancte potius quam scite iussit.

[3] Ascon. *in Milon.* p. 46, Orelli.

'ment of the divine law, which from the very beginning of the Roman state had assigned all jurisdiction in offences of priests and priestesses to the high pontiff. It was a proof of the omnipotence of the popular assembly, and of the daring of the tribunes, that this time-hallowed right was now invaded by what might be called a secular court. It prepared the way for the Domitian law of 103 B.C., which transferred the election of the pontiffs from that body to the people.[1] At the same time the motion of Peducæus was an attack upon the nobility. For the nobility itself was condemned, if the sons and daughters of the great aristocratic families were found guilty, nay even if they were seriously suspected, of offences so heinous and so fatal to the republic.

Alleged guilt of the Vestal virgins.

The rogation of Peducæus was accepted by the tribes; the court of inquiry was established, and Cassius proceeded with the utmost rigour.[2] The result of the investigation was that of the three Vestals Marcia was found to be the least guilty. Though she too had been unchaste, she had confined herself to one lover. But the two others had not stopped there. Their lust and shamelessness knew no bounds. The report of their scandalous practices had quickly spread from one libertine to another. Many had been admitted to share their favours merely to implicate them in the guilt and to bind them to secrecy by the fear of punishment. The brother of Licinia was the favourite lover of Æmilia, and the brother of the latter was the lover of Licinia. In the end all secrecy was dropped. The prostitution of the chosen patterns of female virtue became the talk of the town. Men and women, freemen and slaves, knew of it; the public authorities alone, the guardians of order and morality, were blind. At last a certain Manius, a slave belonging to a knight called Butetius,[3] gave information that his master

[1] Above, p. 120.

[2] Asconius, l. c.: Nimia asperitate usus.

[3] Plutarch, *Quæst. Rom.* 83, speaks of this Butetius as a foreigner or barbarian: ἐμήνυσε βαρβάρου τινὸς ἱππικοῦ θεράπων; and again, Βουτέτιος βάρβαρος

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had had secret meetings with the Vestals. He himself, he said, had lent his aid in arranging them, but had not received the reward which his master had promised him. When once the discovery was made, new evidence poured in apace, and the number of accomplices denounced became greater every day.

Accusation of M. Antonius.

Among them was Marcus Antonius, who was afterwards known as one of the most eminent of Roman orators. At the present time he was only twenty-eight years old, and happened to be quæstor. He was on his way to his province of Asia, and had already reached Brundusium, when he was informed that he was implicated in the scandalous trial of the Vestals. He might have disregarded the accusation, as he was absent on public business; but he waived his right, returned at once to Rome, and fearlessly met the charge.[1] His accusers resorted to that dreadful proceeding which is the foulest blot of the Roman administration of criminal law. They called upon one of his slaves to give evidence against him,[2] and as slaves were supposed not to speak the truth unless they were first tortured, it was no doubt hoped they could be tortured into saying what the accusers wanted to hear.[3] Antonius was greatly alarmed. But the slave,

τοῦ μηνυτοῦ δεσπότης. That the word βάρβαρος is a corruption of the text is evident at the first glance; for how could a knight be called a barbarian? The right reading is indicated by a note of Porphyrio to Horat. *Sat.* 1, 6, 30. which runs: Barrus mœchus fuit propter incestum Æmiliæ virginis Vestalis condemnatus. Now according to Cicero (*Brut.* 46, 169) a certain Titus Betutius Barrus was one of the most eminent Italian orators and a famous advocate, not only in his native town of Asculum, but also in Rome. It was he who, in 100 B.C., conducted the accusation of the quæstor, Q. Servilius Cæpio. If this forensic orator, T. Betutius Barrus, is the same person as Plutarch's 'barbarian' Butetius, which is in the highest degree probable, it would follow that he could not have been condemned to death, certainly not executed, which would assuredly have been his fate in case of conviction. Conf. a note of Fabricius to Orosius, v. 15.

[1] Valer. Max. iii. 7, 9.

[2] The evidence of slaves against their masters was only admitted in charges, as the present, of religious incest. Cic. *Part. orat.* 34; *Pro Milone*, 22.

[3] This was the reason that sometimes the manumission of slaves was forbidden, for as freedmen they could no longer be tortured to give evidence. Liv. viii. 15, 7.

though still a beardless youth, showed the firmness of a man, and proved the innocence of his master.[1]

Results of the prosecutions.

Not all the accused were equally fortunate. We are told that many knights were condemned as well as the three accused Vestals,[2] although L. Crassus, one of the greatest orators of his time, defended his kinswoman Licinia. Nothing is said about the punishment inflicted. It is not likely that, if sentence of death was pronounced and carried into execution, we should not have some information of so striking and tragical an event affecting some of the first families. That one of the accused, the knight Butetius, was not executed, we know;[3] perhaps he was not even condemned. At any rate none of the Vestals was buried alive. For this punishment could only be inflicted by the pontifex maximus in pursuance of the sacred law. A secular judge like Cassius would have had to decree another punishment. Nor, for the same reason, could the guilty paramours of the Vestal virgins have been scourged to death in the market-place. We know absolutely nothing beyond what Porphyrio states, that many persons were found guilty and condemned, a statement which by its very vagueness creates suspicion as to its accuracy. But we hear that on the consultation of the Sibylline books a solemn sacrifice was performed to pacify the anger of the gods, consisting of four human beings, a male and a female Greek and a male and a female Gaul,[4] who were buried alive, and finally that a temple was dedicated to Venus Verticordia.

Moral significance of these prosecutions.

The story of the trial and condemnation of the three Vestal virgins presents a sad picture of the state of Roman society. Nor will this picture lose much of its repulsive character, if after a careful examination of the evidence, such as it is, we should come to the conclusion that the guilt of the Vestal virgins was not proved, that perhaps

[1] Valer. Max. vi. 8, 1.

[2] Ascon. in Cic. *Milon*, p. 46, Orelli. Plut. *Quæst. Rom.* 83, says: ἐκεῖναι μὲν οὖν ἐκολάσθησαν ἐξελεγχθεῖσαι.

[3] Above, p. 127, n. 3.

[4] Plut. *Quæst. Rom.*

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they were innocent of the worst crimes imputed to them, and that they were the victims of superstitious fears, of a bad system of criminal procedure, and of party hatred. It is almost as bad a sign of Roman life that charges so heinous could be brought forward and find credit as it would be if they had been well founded. Nevertheless historical justice requires that we should try to discover the truth, or at least to let the accused have the benefit of any doubts which may arise in our minds. Hence, although all historians have hitherto unhesitatingly accepted the transmitted accounts, and have drawn the most unfavourable inferences with regard to female virtue in the highest ranks of society and in the most exalted stations, we are bound to point out some facts which seem to us to invalidate not only these inferences but also the statements upon which they are founded.

Portents and prodigies.

We have already referred to the military disasters in Thrace in the year 114 B.C.[1] as the cause of a panic in Rome. In that city superstition was always eagerly bent on discovering in the anger of the gods an excuse and explanation of national misfortunes. That some great sin had been committed, was on such occasions generally taken for granted. On the present occasion the death of Helvia by lightning was interpreted as foreboding evil to virgins and knights. This prophecy was almost an implied accusation of the priestesses of Vesta. Even in times past, national misfortunes had been caused by their misconduct. Unchastity of two Vestals had caused the loss of the battle of Cannæ.[2] It seems almost that all similar cases of such offences related in the Roman annals stand in a relation of cause and effect with some national calamity, such as wars, famine, or pestilence, and the suspicion arises that the unfortunate virgins on more occasions than one were made the victims of the national superstition.[3]

[1] Above, p. 125. [2] Vol. ii. p. 246.

[3] In the year 483 B.C. Livy, ii. 42, 10, reports: Accessere ad ægras iam omnium mentes prodigia cælestia prope quotidianas in urbe agrisque ostentia

Effect of superstitious fears.

It is quite possible that the three Vestals on this occasion may have been guilty of some indiscretion which, without implying guilt, drew upon them the reprobation of austere moralists. This had happened before. We hear that in 420 B.C. the Vestal Postumia was accused of incest, that she was acquitted of this crime, but reprimanded by the pontifex maximus for bestowing too much attention on her dress and person.[1] Again in the year 337 B.C. the Vestal Minucia was at first only suspected because she showed the same female vanity, but on the information of a slave she was accused of incest, found guilty and buried alive.[2]

Final issue of the inquiry.

The pontifex maximus, the supreme guardian of all that related to the whole system of the national religion, and the special superintendent of the sanctuary of Vesta, was personally responsible for the due performance of the most important of all religious rites on which the prosperity and the very life of the commonwealth depended. Even if he had been himself indifferent and free from superstition, he could not neglect public opinion and allow a desecration of the holiest sanctuary of the city. L. Metellus, the pontifex maximus at this time, was a man of known severity.[3] It is not likely that he would have lightly passed over a matter of such gravity, and that he would have allowed a Vestal virgin to escape punishment, if her guilt had been demonstrated. The acquittal, therefore, of two of the accused may be taken as a strong

minas; motique ira numinis causam nullam aliam vates canebant, publice privatimque nunc extis nunc per aves consulti, quam *haud rite sacra fieri. Qui terrores tamen eo evasere, ut Oppia virgo Vestalis damnata incesti pœnas dederit.* Dionys. viii. 89, calls her Opimia. In 472 B.C. there were terrible signs, a pestilence, and general fear. A slave gave information, the Vestal Orbinia was accused and found guilty of incest, whereupon the pestilence ceased. Dionys. ix. 40.

[1] Liv. iv. 44, 11. Quoted above, p. 126.

[2] Liv. viii. 15, 7. Minucia Vestalis suspecta primo propter munditiorem iusto cultum, insimulata deinde apud pontifices ab indice servo . . . . facto iudicio viva sub terram . . . . defossa. This case is particularly instructive, as it shows how a slight offence was swelled into a great crime by the information of a slave.

[3] Above, p. 126, n. 1.

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proof of their innocence, whilst the guilt of the third cannot have been incest, as she was not condemned to death.

Moral difficulties involved in the narrative.

If we consider the charges brought in the subsequent trial of the Vestals, we must be astonished at their enormity. Is it possible that three out of six Roman virgins, selected from the noblest houses as models of female virtue and purity, who moved before the people as it were on an exalted stage, distinguished and honoured before all other ladies, should have sunk to the level of common prostitutes, not restrained by the sacredness of their office or by the fear of that terrible death which awaited them in case of discovery? And if such reckless licentiousness were within the limits of credibility, is it possible that, if their conduct was such as it is reported to have been, three Vestals, though publicly known to numbers of people, freemen and slaves, men and women, should have escaped the notice of the authorities, until the slave of one of the guilty came forward to denounce it?

Criminal information offered by slaves.

This part of the narrative deserves particular attention. Slaves play an important part in criminal trials in Rome. The alluring prospect of obtaining their liberty as a reward for their services prompted them to practise the trade of informers on many occasions. In the trials of Vestals 472 and 337 B.C. slaves are mentioned as the first discoverers of their offences. The slave Manius, who gave evidence in 113 B.C., is represented as particularly fitted for the part he undertook to act,[1] though to us the story sounds very improbable. He said that his master had refused him the promised reward for his services in the intrigue with the Vestals. If we remember that a master was at liberty to put his slave to death, we cannot help thinking that the owner of Manius must have been the silliest man in Rome, to allow a greedy slave to live whom he might have put out of the way at any time. Yet the master of Manius was Butetius Barrus, one of the

[1] Dio Cass. *Frg.* 87: διαβάλλειν συγκοοῦσαί τε δεινότατος.

most distinguished advocates of the time.[1] The story of the slave is too silly to deserve attention. But we know from historical trials of more recent date, that the absurdity and even contradiction of witnesses does not take away from their credit when they report what accusers and judges wish to hear.

General character of fictitious testimony.

Another feature which the trial of the Vestals has in common with similar trials in times of popular excitement is this, that the evidence grows in bulk and new witnesses turn up as the case proceeds. The success of the first stimulates others to emulate them, till at last the extreme line of popular credulity is reached. Thus we see that one informer ventured so far as to denounce M. Antonius. This charge, as we have seen, broke down. Antonius was able to prove his innocence. Is it likely that he was the only one who was unjustly accused?

Personal character of the inquisitor, L. Cassius Longinus.

Finally we shall be inclined to doubt the absolute fairness of the trials conducted under the presidency of L. Cassius Longinus, if we examine his personal character. He was a prominent patrician of the popular party,[2] and had in 137 B.C. brought in the lex Cassia for secret voting in trials before the assembly of the people. The tribunal in which he presided was commonly called the rock for the accused.[3] He was now leagued with the zealous demagogues to punish the noble houses of Rome for their misdeeds, and he availed himself of the opportunity. His severity is called excessive,[4] and he appears almost in the light of a Roman Jeffreys, delighting in the infliction of punishment.

What we have said may be insufficient perhaps to

[1] Above, p. 127, n. 3.

[2] Cicero, *De Leg.* iii. 15: Lex Cassia de populi iudicio a nobili homine lata L. Cassio sed . . . . dissidente a bonis.

[3] Valer. Max. iii. 7, 9: Cassius, cuius tribunal propter nimiam severitatem scopulus reorum dicebatur. Cicero (*Brut.* 25, 97) calls him homo non liberalitate, ut alii, sed ipsa tristitia et severitate popularis. At the time of the trial of the Vestals he was an old man, and had probably not become gentle and mild with age.

[4] Ascon. *in Milon.* p. 46, Orelli: Cassius eas et præterea complures alios nimia etiam, ut existimatio est, asperitate usus damnavit.

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State of popular feeling in Rome.

reverse the judgment pronounced against the three unfortunate Vestals and their accomplices. We have not sufficient evidence to prove their innocence, but it is at the least likely that they suffered beyond their guilt from a fatal concurrence of events which inflamed party spirit, such as popular discontent, religious fears, and superstition rising to madness. After all, we have no decided proof that the extreme punishment of death was inflicted in any case, and therefore we may even question whether it was pronounced. But a wide-spread opinion no doubt prevailed, that the virtue of the noblest ladies in Rome was not above suspicion, and this opinion itself is a sad sign of the time.

Fresh sumptuary laws.

Under such circumstances the attempt to stem the growing depravity of society by laws directed against luxury was clearly vain. There were still well-meaning men in Rome who had a simple faith in the efficacy of such laws. That same L. Cassius who as a judge showed such severity in punishing the alleged crimes of the Vestal virgins, had in his censorship 125 B.C., twelve years before, given evidence of his Catonian principles, and among others had censured the augur Æmilius Lepidus for paying too high a rent for his dwelling-house,[1] and M. Æmilius Porcina for building his country house too high.[2] But such zeal appeared to the Romans of that time anything but ridiculous. They highly approved of a new luxury law of Licinius Crassus, passed probably in the year 104 B.C., which re-enforced the lex Fannia, and added a few paragraphs to prescribe officially a bill of fare for the good people of Rome. This law permitted only three pounds of smoked and one pound of salt meat for one meal, but generously did not limit the quantity of vegetables. On the calends, nones, and nundinæ a meal was to

[1] Vell. Pat. ii. 10: Quod sex milibus sestertium ædes conduxisset. Velleius adds: At nunc [153 years later] si quis tanti habitet, vix ut senator agnoscitur.

[2] Valer. Max. viii. 1, damn. 7.

cost no more than thirty asses, but at wedding feasts a man might go as far as spending two hundred.[1]

Decay of public morality.

All luxury laws like this, and others which preceded and followed, answered not even their direct and immediate object in limiting extravagant expense. Much less did they affect the general morality or wellbeing of the people. We see this from the complaints of the increase of unnatural crimes and the growing poverty of the masses. Crimes were now frequently committed, which, as was asserted and fondly believed, had not only been unknown to occur, but could not be even conceived as possible in the good old time, such as the murder of parents and of children.[2] The respect for the Roman matrons must have sunk very low when Q. Cæcilius Metellus Numidicus, one of the foremost men of the nobility, in his censorship 102 B.C. could say in a public address to the people, that of course it would be better for the men, if it were so arranged by nature that society could entirely dispense with the female sex; but as this was not possible, it behoved a good citizen with resignation to submit to necessity, and to take a wife even with the sacrifice of personal comfort, so that the commonwealth might not lack citizens. This preacher of morals, the pattern of a noble Roman of that time, represented no doubt the general feeling. If he could be of opinion that women were only a necessary evil, we cannot wonder that marriage was avoided, that population decreased, and that by-and-by a premium was set by law upon the rearing of children.

It is distressing to see that in this time of moral de-

[1] Macrob. *Sat.* ii. 13 (iii. 17, 7, Teubner), Gell. ii. 24. This law was warmly recommended by the nobility, according to Macrobius, l. c.: Cuius legis ferundæ probandæque tantum studium ab optimatibus impensum est, ut consulto senatus iuberetur ut ea tantummodo promulgata, priusquam trinundino confirmaretur, ita ab omnibus observaretur, quasi iam populi sententia comprobata. Of course a resolution of this kind had no legal force.

[2] Valer. Max. vi. 1, 5. Oros. v. 16. Liv. *Epit.* 68. Auctor *ad Herenn.* i. 13. 23.

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Fear and dislike of Greek culture.

generacy there were honest people so blinded by ignorance and prejudice as to look upon the growth of intellectual culture as the cause of the evil. The Romans of the old school had now been carrying on for a long time the vain struggle against Greek learning, letters, and arts, which in spite of opposition gained more ground in Rome year by year. All Latin literature was already leavened with Greek elements. There had actually been set up in Rome 'Latin schools of rhetoric,' and this was most natural at a time which had produced men like Lucius Crassus and Marcus Antonius, the worthy predecessors of Cicero. Yet these same schools were objects of aversion even to Lucius Crassus himself, who, when he was censor in 92 B.C. with Cneius Domitius, issued a condemnatory order against them and renewed an obsolete senatus consultum passed in 161 B.C. which was meant to put them down altogether.[1] We might be tempted to suppose that of all men L. Crassus would have been the last to pronounce an anathema against institutions which professed to teach the elements of his own art, and that he ought to have had sense enough to see the uselessness of such decrees, especially if it contained nothing more than a declaration to the effect that the censors 'did not approve of them.'

Prohibition of human sacrifices.

The most gratifying sign of an improvement in the national intelligence is a senatus consultum of the year 97 B.C. which condemns the most atrocious relic of prehistoric barbarism, the sacrifice of human victims.[2] We

[1] The senatus consultum of 161 B.C. is preserved by Gellius, XV. 11: Uti M. Pomponius prætor animadverteret curaretque uti ei e republica fideque sua videretur, uti Romæ ne essent philosophi et rhetores Latini. The decree of the censors of 92 B.C. runs, according to Gellius, l. c.: Renuntiatum est nobis esse homines qui novum genus disciplinæ instituerunt, ad quos iuventus in ludum conveniat; eos sibi nomen imposuisse Latinos rhetores; ibi homines adulescentulos dies totos desidere. Maiores nostri quæ liberos suos discere et quos in ludos itare vellent, instituerunt. Hæc nova quæ præter consuetudinem ac morem maiorum fiunt, neque placent neque recta videntur. Quapropter et iis qui eos ludos habent et iis qui eo venire consueverunt visum est faciundum ut ostenderemus nostram sententiam, nobis non placere.

[2] Plin. *Hist. Nat.* XXX. 1, 3: Sexcentesimo quinquagesimo septimo demum anno urbis Cn. Cornelio Lentulo P. Licinio Crasso coss. senatusconsultum factum est, ne homo immolaretur.

have seen that even so late as 113 B.C. four persons were thus put to death.[1] Unfortunately the name of the bold innovator who proposed this humane reform is not mentioned. But the honour must be shared by the whole senate, which approved of it, apparently without opposition. This seems to show that true humanity, the result of philosophical studies derived from Greeks, was gradually gaining ground in the upper strata of society and superseding the coarse and cruel superstition of the old time. The morality of the Stoics, a fruit not of any priestly teaching but of philosophical reasoning, found ready admission in Rome. Its stern and uncompromising declaration that virtue is the highest good and its practice the chief duty of man, though it was far from curbing all the passions and vices of the great, and from eradicating the superstitions of the vulgar, could not fail to inspire in the nobler minds ideal aims of perfection, and to comfort and support them in the trials of the dreadful time of civil strife which was approaching.

[1] Above, p. 129.

CHAPTER XI.

THE SECOND SICILIAN SLAVE WAR. 102–99 B.C.

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After the victory of P. Rupilius in 132 B.C. over the great force of insurgent slaves,[1] Sicily enjoyed peace for thirty years. But the causes which had led to the insurrection had not been removed. Nothing was altered in the system of employing slave labour for agriculture, or in the treatment of the slaves, or in the relation of Sicily to Rome. It was therefore natural that the same causes continuing to work produced the same effects, when the exhaustion produced by the first war had been passed over. A second slave insurrection, and in its train similar horrors and sufferings for Sicily, were the consequence.

Causes tending to keep up ill-feeling among the slaves.

Constant agitation among the slaves.

The slave population of different parts of Italy and Greece seemed towards the end of the second century before the Christian era to be in an unusual state of excitement and discontent, as if the feeling had begun to dawn among them that their condition was not ordained by nature, and that they too were human beings and endowed with human rights. In Attica the poor wretches who were doomed to work in the silver mines of Laurium rose upon their tormentors. In Nuceria a riot had taken place, in Capua a more serious commotion. Further south in Italy something like an insurrection had broken out from a trifling cause. A young Roman knight called Titus Vettius had taken a fancy for a pretty slave girl belonging to a neighbour, and wished to get possession of her. The owner of the girl, availing himself of the folly of Vettius, asked the fabulous price of seven talents. Vettius was so demented with his passion that

[1] Vol. iv. p. 420.

he consented,[1] but when the time came to pay the money, he found that it was beyond his means. He had now completely lost his reason.[2] To get out of the difficulty he armed three hundred of his slaves, attacked his creditor, and killed him. Nor did he stop short there. He proclaimed himself king, assumed the insignia of royalty, and called upon the slaves all around to take up arms under him for the recovery of their freedom and the support of his new sovereignty.

Insurrection of the knight Titus Vettius.

The affair became serious. Vettius found himself soon at the head of an army of several thousands of armed desperadoes. The Roman government, generally slow on such occasions of unexpected danger, could not shut its eyes to the gathering of so formidable a force, which could not be treated simply as a band of robbers. By order of the senate L. Lucullus collected quickly six hundred soldiers, hastened to Capua, where he raised his numbers to four thousand infantry and four hundred horse, and thus, at the head of a force equal to a legion, advanced upon the slave king. Meanwhile King Vettius had found a commander-in-chief for his army, a certain slave called Apollonius. Lucullus, instead of attacking this Apollonius, found it more expedient to bribe him. Thus the whole insurrection soon collapsed. The fool Vettius showed in the end spirit enough to kill himself. The ringleaders among the runaway slaves were executed, and the slave war on Italian soil was thus quickly brought to an end.[3]

Outbreak of slaves in Sicily.

Things were not so easily settled in the island of Sicily. Here the number of slaves was greater in proportion, the owners were more cruel and reckless, and the government was still more lax than in Italy. The cause for a new insurrection among the Sicilian slaves is related as follows.[4] When in the year 104 B.C. Marius was making

[1] Diodor. xxxvi. 2: *εἰς ἔρωτα παράδοξον ἐνέπεσε καὶ διάθεσιν μανίᾳ παρεμφερῆ.*

[2] Diodorus, l. c., justly calls it a *πρᾶξις παραλογωτάτη*, and continues to say: *ἐτράπη πρὸς διαλογισμοὺς παιδαριώδεις καὶ πολλῆς ἀφροσύνης μεστούς.*

[3] Diodor. xxxvi. 2.

[4] Diodor. xxxvi. 3 ff. Dio Cass. *Frg.* 93.

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preparations for the war with the Cimbri, he had demanded auxiliary troops from king Nicomedes of Bithynia. This prince had declared that it was impossible for him to comply with the request, because so many of his subjects had been carried off with the help of the Roman publicani, the farmers of the revenue, and were now kept as slaves in various countries. Hereupon the senate despatched orders to the several provincial governors to set free all who had thus been unjustly deprived of liberty. Licinius Nerva, the prætor of Sicily, so zealously complied with this order, that in a short time he had liberated eight hundred, causing great consternation and opposition on the part of the owners, who protested against this arbitrary confiscation of their property. At the same time the whole mass of slaves became excited with this hope of freedom, and clamoured for the same boon which had been accorded to a few. Licinius Nerva was of course unable and unwilling to give in to such demands, but it was now impossible to calm their excited spirits. Great numbers of slaves ran away from their masters and formed themselves into bands. Somewhere in the middle of the island there were hot sulphureous springs and a sanctuary of the Palici, twin deities of the earth and the nether world. This sanctuary was an asylum where runaway slaves found temporary protection. The priests were wont to try means of reconciliation between them and their masters, and gave them up only when this had been effected. The agreement was confirmed by solemn oaths, sworn by the awful deities. This sacred spot was therefore selected as the rallying-place on the present occasion for the fugitives from all parts of the island.

Suppression of the movement.

But a peaceful settlement of the dispute between masters and slaves was no longer thought of, when in a short time many hundreds of slaves had come together, and, as was to be expected, had begun to live by plunder. They thought themselves strong enough to resist force by force, and took up a commanding position on a hill. Nerva now

imitated the example set him by Lucullus in Italy. Perhaps he had no confidence in the Sicilian militia at his disposal, and consequently availed himself of the services of a certain C. Titinius, a man belonging to the class of common highwaymen and cut-throats, of whom there seems to have been no lack in Sicily at any time. This Titinius had carried on his trade for years; he had been once taken and condemned to death, but had escaped from prison. Among the slaves he passed for a hero and patron, because he was in the habit of carrying on his depredations only against the rich. They now received him with enthusiasm when he declared that he had come to make common cause with them. He was at once chosen their leader, and contrived to deliver the whole band into the hands of the Roman prætor. It seemed that the whole insurrection was without difficulty stifled in the bud.

Spread of disorder.

But no long time passed before it broke out again in another place. It seems that a general feeling of animosity on the part of the slaves, and not the circumstance mentioned by Diodorus, was the real cause of the general rising throughout the island. Nor was it the slaves alone that took a part in the riots. A considerable part of the free population had been ruined by the general employment of slaves in agriculture, and were in a condition perhaps not better than that of the slaves themselves. These people made common cause with the rebels, and thus it happened that the Roman administration was deprived of the services of those men whose interest might have been enlisted for preserving or restoring peace.

Defeat of Licinius Nerva.

Nerva was unable from want of troops to act at once vigorously against the insurgents. The insurrection therefore spread fast and wide. Soon the rioters were numbered by thousands. At last, when Nerva made an attempt to attack them in an entrenched position, he was beaten back, and this reverse again added new strength to the rebellion.

Siege of Morgantia

By degrees the disorderly bands fell into some kind of order. A certain Salvius, who, like Eunus in the first slave

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by the slaves. Treachery of the Roman commander.

war, was skilled in prophecy, and artfully availed himself of the superstitions of the multitude, was proclaimed king. The monarchical government appeared the most natural to these slaves, accustomed to obey a master, and natives for the most part of countries governed by kings. The kings of Syria in particular seem to have been their ideals of a sovereign. As Eunus in the first war had called himself King Antiochus, so Salvius now assumed the name of another Syrian king, not the most glorious, and called himself King Tryphon. He might well aspire to so grand a title, for his forces, we are told, amounted to twenty thousand foot and two thousand horse. He drilled them in proper military style, formed them into an army, and now began to take the offensive by laying siege to the town of Morgantia.[1] Nerva, who had come to the relief of the town, was beaten off, but Morgantia nevertheless made a successful defence. The slaves in the town, upon being promised their freedom, rallied round their masters, and refused to accept the same boon from the besiegers. When the latter had marched off, the Roman governor forbade the manumission of the faithful slaves, whereupon they ran away and joined their insurgent companions.

The slave-king Athenio.

Hitherto the eastern part of Sicily had been the seat of the insurrection. Now it spread to the west. Here also a slave king was set up, a Cilician called Athenio, who like his colleague was a prophet and could read in the stars. But he was also a brave warrior and a man of intelligence. Out of the numerous crowd gathered around him he selected the strongest for military service, and formed them into a disciplined force. The rest he compelled to work in the fields, and gave strict orders to stop all robbing, plundering, and laying waste of fields and houses. Thus he provided for the support of his men, and became the protector of the peaceful population, who were left to their fate by the Roman governors. At the head of ten thousand men, Athenio even ventured to

[1] Morgantia, a place of small importance, seems to have been situated in the valley of the Symæthus, south of Mount Ætna.

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attack the great fortress of Lilybæum, which the Romans had in vain besieged for ten years in the first Punic war.[1] It seems that in this bold undertaking he expected the co-operation of the slaves in the town. Seeing that his plan would fail, he told his men he had seen from the position of the stars that some great misfortune would happen if they stayed longer before Lilybæum. They were satisfied to march off, and it so happened that about the same time a body of Mauretanian auxiliaries sailed into the harbour. The slave army was pursued and suffered some loss, but the majority succeeded in making their escape. They were now still more convinced than before that their king Athenio was indeed inspired by the gods, as his prophecy had been so promptly fulfilled.

Foundation of Triocala.

The unhappy island of Sicily was now in a wretched condition. The open country was in the power of the insurgents, and the communication between the towns interrupted. The terrified inhabitants felt hardly safe behind their walls, for in every slave they had to suspect a secret enemy. Yet the insurgents had not been able hitherto to obtain possession of a single town. They therefore formed the plan of founding a new one, as a place of refuge and as a capital for the kingdom which they were about to establish. They selected as a site for this town a steep conical hill called Triocala, situated probably near the centre of the island. On the top of it they established their acropolis, and round about they enclosed a space with a rampart and a ditch sufficient to contain the town. The locality is described as strong by nature, rich in water, and situated in a fertile district.[2] It appears therefore to have been chosen with considerable skill. The plan of fortifying a hill reminds us of the similar fortifications established by Hamilcar Barca on Mount Erkte, and afterwards on Mount Eryx, in the first Punic war. If the slave kings had possessed something of the

[1] Vol. ii. p. 82 ff.

[2] On account of these three good things (τρία καλά) the place was called Triocala according to Diodorus, xxxvi. 7, 3.

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military genius of Hamilcar, they might have given the Romans very serious trouble; but their counsels were divided, and they had no resources but in themselves. The Romans were not without hopes that the two kings Tryphon and Athenio would soon fall out with one another and contend for the superiority. But the slave leaders showed more good sense than Roman consuls often had done in similar circumstances. Athenio voluntarily recognised Tryphon as his chief, though he was at first suspected by his rival, and even imprisoned. But he was soon released, obtained his full confidence, and proved himself a faithful and able servant.

Tryphon, king of the slaves.

Tryphon now looked upon himself as the real king of all Sicily. He surrounded himself with a royal council, and assumed the dress and insignia of the chief Roman magistrate as signs of his authority. The runaway slave Salvius, transformed into the Syrian Tryphon, and aping an Asiatic despot in the habit of a republican magistrate of Rome, presented a curious picture of disorder and confusion which ought to have collapsed in its own absurdity. But so degenerate and powerless had now for a long time been the natives of that once so warlike island, the citizens of the royal Syracuse, and of the soldier republic of Messana, of the proud Agrigentum, and all the other flourishing towns, that they dared not to venture forth from behind their walls, and looked on despairingly whilst the country was at the mercy of a rabble of half-disciplined and utterly contemptible enemies.

Charges brought against L. Licinius Lucullus.

Nerva, having failed to restore order, was superseded in the command by L. Licinius Lucullus. A well appointed army of fourteen thousand Roman and Italian soldiers was now despatched to Sicily, with a cohort of Lucanians[1] and auxiliary troops from Bithynia, Thessaly,

[1] Diodor. xxxvi. 8, 1 (ed. Dindorf): ἐκ δὲ τῆς Λευκανίας ἑξακοσίους ὧν ἡγεῖτο Κλέπτιος, ἀνὴρ στρατηγικὸς καὶ ἐπ' ἀνδρείᾳ περιβόητος. There is a mistake here in the name Κλέπτιος, which ought to be changed into Κλεπίτιος, as it stands xxxvii. 2, 11, and 13. This Lucanian Clepitius was evidently the same who in the Social war afterwards fought against the Romans, and was one of those who longest continued in their resistance. See below, ch. xix.

and Acarnania. Lucullus marched straight upon Triocala, met the slaves who had come out with a force of forty thousand men under their general Athenio, and defeated them in a great battle, in which Athenio himself remained for dead on the field.[1] But either the victory of Lucullus was not so decisive as is reported, or else he did not know how to push his advantage. He remained stationary for a time, and when nine days later he appeared before the stronghold of Triocala, he met with such determined resistance that he was obliged to retire. He was unable to repeat his attack, and seems to have been completely paralysed for the remainder of the campaign. After his return to Rome he was publicly accused of misconduct, and even charged with the incredible offence of having taken bribes from the enemies. A charge of this kind could be inspired only by the most rabid party hatred, for a Roman general, even if he had been lost to every sense of honour, could not so far forget himself as to stoop to such a transaction. Though we have no evidence, we must hold Lucullus guiltless of a crime which, if it had been possible, would long before this time have sapped the foundation of the Roman dominion and ruined the state. No doubt can exist that we have here an illustration of the height to which the spirit of faction could rise in times of excitement, and a proof that the charge of corruption was often made without sufficient grounds.[2]

Accession of Athenio to the throne of Tryphon.

The slave insurrection had now lasted two years. To appreciate the feelings of uneasiness with which the people at Rome looked upon its long duration, we ought to remember that simultaneously with the disturbance in Sicily, the Cimbri and Teutones were keeping all Italy in alarm with the threat of invasion. The failure of Lucullus to put down the rebels with such good troops as he

It seems strange that Diodorus mentions the Lucanian cohort apart from the other Italians among the foreign auxiliaries.

[1] The locality of this battle is called Skirthæa, one of those numerous places in Sicily the position of which we cannot fix.

[2] Above, p. 35, n. 1.

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had at his disposal must have caused great mortification at Rome; and this explains the animosity manifested against him. His successor, C. Servilius, who was still more unsuccessful, attempted to defend himself afterwards, when he too was taken to account, by asserting that Lucullus had purposely thrown difficulties in his way by disbanding troops before his departure from Sicily, and by wilfully destroying supplies and munitions of war.[1]

According to a statement preserved by Florus, C. Servilius was actually defeated by the slaves under Athenio,[2] and lost his camp. This is by no means improbable, for the insurgents continued to range unimpeded all over Sicily, and actually made an attempt to gain possession of Messana. Failing in this, they occupied a strong position in the neighbourhood of that town,[3] and laid the whole country under contribution. Their cause gained strength when king Tryphon died and was succeeded by the much more able and enterprising Athenio. It seemed that the island of Sicily was on the point of being lost to Rome, and of becoming an independent power.

Suppression of the insurrection.

At length in the fourth year of the war the Romans succeeded in finding an able man for the command in Sicily. Manius Aquillius, the colleague of Marius in his fifth consulship (101 B.C.), the year of the final defeat of the Cimbri, went to Sicily as proconsul, and overthrew the army of the insurgents in a great battle, in which he himself slew their leader Athenio in single combat. He followed up the fugitives into their hiding-places in the interior of the island, killed thirty thousand of them, and made the remainder prisoners along with their brave leader Satyros. The prisoners were taken to Rome, and it was intended that they should be made to fight with wild beasts for the amusement of the people. They

[1] Similar accusations had occurred before (vol. iii. p. 396, n. 2), but perhaps they were even then unfounded. The accusations which Romans did not hesitate to launch at each other in public trials would be incredible if we knew not from Cicero's speeches that they were a common practice.

[2] Florus, ii. 19, 11. Athenio, though wounded in the battle with Lucullus, had managed to escape.

[3] Dio Cass. *Frg.* 9, 4.

cheated the populace of their expected pleasure, and preferred dying by one another's hand. Satyros, as the last of them, fell upon his own sword.

Character of the second slave war.

The second slave war in Sicily exhibits the same features as the first. The resemblance extends to the casual circumstance that during its progress civil disturbances in Rome ended in a violent conflict. The first was simultaneous with the tribunate of Tiberius Gracchus, in the second took place the agitation of Saturninus and Glaucia, an agitation which in plan and object had a great resemblance to that of the Gracchi, and was suppressed in a similar manner.

CHAPTER XII.

SATURNINUS AND GLAUCIA.

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Quæstorship of L. Appuleius Saturninus.

In the year 104 B.C. Lucius Appuleius Saturninus was commissioned as quæstor to regulate in Ostia the supply of corn for Rome. Some of his measures in this business gave offence to the ruling party in the senate, in consequence of which he was superseded by Marcus Æmilius Scaurus, so frequently mentioned in the transactions with Jugurtha,[1] one of the foremost men of the nobility, then 'princeps senatus,' and always an uncompromising opponent of the democratic party. Whether Saturninus had been guilty of any mistake or misdemeanour in the discharge of his duties we are not informed. Judging from his subsequent policy, we may suppose that he attempted to carry out the lex frumentaria of C. Gracchus in a spirit which was not approved by the governing nobility.[2]

Alliance of Saturninus with Marius.

This party found now a determined opponent in the man whom they had so signally affronted. Saturninus was elected tribune of the people in 103 B.C., and, entering into an intimate union with Marius,[3] secured his election for his fourth consulship. He also proposed a law for the distribution of corn at a very low price.[4] The

[1] Above, pp. 16, n. 1, 20, 37.

[2] There can be no doubt that the Sempronian corn law was still considered as valid; but how it was carried out we have no means of knowing. It is very likely that the party in power tried to apply it in such a manner as to make it subservient to their policy. The feeding of the populace could easily be so managed as to render the recipients of the public bounty dependent upon those who bestowed it.

[3] Above, p. 100.

[4] According to the Auctor *ad Herennium*, i. 12, 24, the price of the bushel (*modius*) was to be only five-sixths of an as, which was all but giving away

optimates resisted the proposal with all their power, and declared through the mouth of the quæstor, Q. Servilius Cæpio,[1] that the exchequer was not able to bear the expense, whereupon the senate came to the formal resolution that the proposed law was prejudicial to the commonwealth.[2] But neither this protest of the senate nor the opposition of his colleagues[3] hindered Saturninus from proceeding with his law. He called an assembly of the tribes to give their votes; and the optimates had recourse to force. Cæpio broke into the assembly with an armed band, declared the proceedings illegal because they were contrary to the senatus consultum, dispersed the people, upset the voting urns, and kept possession of the ground.

Law of Saturninus *de maiestate.*

It appears that Saturninus made no second attempt to pass his law. Perhaps he apprehended the repetition of similar violence or worse consequences. It was clear that

the corn for nothing, and an enormous reduction of the price fixed by C. Gracchus (see vol. iv. p. 451).

[1] Owing to the deplorable scantiness in the Roman nomenclature, we cannot be sure whether this Q. Servilius Cæpio was a son or a distant kinsman of Q. Servilius Cæpio, the consul of 106 B.C., the author of the judiciary law, lex Servilia Cæpionis (above, p. 118), and of the great defeat on the Rhone, 105 B.C., and plunderer of the treasure of Tolosa (above, pp. 93, 95). According to Cicero (*Brut.* 62, 223), he was a partisan of the knights and opposed to the senate. It would appear from this that he could hardly have been the son of Q. Servilius Cæpio, who by his judiciary law had taken the courts out of the hands of the knights, and was afterwards condemned by them when they had been reinstated.

[2] Auct. *ad Herenn.* i. 12, 21: Si eam legem ad populum ferret adversus rem publicam videri eum facere.

[3] It is far from certain that this opposition assumed the form of a regular tribunician intercession. Our informant (Auct. *ad Herenn.* l. c.) says *collegæ intercedere.* But this expression is sometimes applied vaguely to designate nothing more than dissent and an attempt to dissuade (Valer. Max. viii. 6, 4). It often happened that the ten tribunes were not unanimous; that, as was the case in the tribunate of C. Gracchus (vol. iv. p. 450), some were opposed to the measures of others, without interposing their formal intercession. Our reason for thinking that this occurred in the present instance is taken from the fact that Saturninus soon afterwards brought in a law *de maiestate*, which was intended to secure the constitutional action of the people and the magistrates, especially the tribunes, from such disturbance and violence as had just taken place. It is not likely that while seeking the protection of the law for a tribune in the exercise of his constitutional rights, Saturninus should himself have been guilty of violating the most important of those rights, the right of intercession.

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the constitutional inviolability of the tribunes of the people was no longer respected. The ancient *lex sacrata*, sanctioned and ratified with solemn oaths, had ceased to inspire awe, as the fear of the avenging gods no longer swayed the minds. Saturninus saw that it was necessary to substitute civil punishments for the religious penalties which were no longer effective, and for this reason he proposed his law *de maiestate*.

Scope of this law.

This important law, which was one of the last steps in the transformation of the old hierarchical into a civil constitution, is so imperfectly known to us that several divergent opinions have been and still are held concerning its character and provisions. It was so loosely worded that even at the time of its passing it could be stretched and strained to include a variety of legal principles which the first promoter perhaps never thought of.[1] It was intended to punish offences against the majesty of the Roman people, or the diminishing of that majesty (*minuta maiestas*), but no attempt was made to define clearly either what was meant by the majesty of the people, or by what act this majesty was violated. According to Cicero,[2] majesty consists in the dignity of the Roman power and name, and those persons are guilty of diminishing it who disturb the legal order by violence.[3]

General effects of the law.

This ambiguity made it possible to apply the law to a great variety of offences, on the plea that they tended to disturb the established order; and again it admitted the plea, that an irregular or even illegal act was permitted if it were committed for the good of the state.[4] A law

[1] It is possible that this vagueness in the definition was the consequence of a compromise with the nobility, which hoped to be able to turn the law into a weapon for striking at the democrats, which they actually did. See above, p. 118, n. 8, the accusation of C. Norbanus.

[2] Cicero, *Partit. Orat.* 30, 105: Maiestas est in imperii atque in nominis populi Romani dignitate.

[3] Cicero, *ib.*: Maiestatem minuit is qui per vim multitudinis rem ad seditionem vocavit.

[4] According to Cicero, *De Orat.* ii. 47–49, the great orator M. Antonius, speaking for his client C. Norbanus, who was accused of *minuta maiestas*, admitted that he had committed the act for which he was prosecuted, but con-

capable of such a variety of interpretations could not answer a rational purpose. Whether it was much improved by the *lex Varia* passed on the same subject in 92 B.C., we do not know. The law *de maiestate* remained in force, and it became in the time of the Empire a terrible engine of despotism, by which every attempt at opposition to the government could be crushed, and not only acts, but even words and almost sentiments, hostile to the reigning prince, were punished.

Abortive prosecution of Servilius Cæpio.

The law *de maiestate* now enabled Saturninus to impeach the quæstor, Servilius Cæpio, who had interrupted by force the voting on the lex frumentaria. The impeachment was conducted by Titus Betutius Barrus, an eminent forensic orator of the Italian town of Asculum, the same who is mentioned as involved in the trial of the Vestal virgins, 113 B.C.[1] Cæpio defended himself in a speech composed for him by L. Ælius Stilo[2] so successfully that Saturninus despaired of obtaining a conviction, and, as it would seem, desisted from pressing the charge.

Agrarian law of Saturninus.

A further measure proposed by Saturninus in the spirit of the popular programme was an agrarian law for the distribution of land in Africa to the veterans of Marius.[3]

tended that he had thereby served the interests of the commonwealth, and that therefore by using violence he had not diminished but increased the majesty of the people. See above, p 118, n. 8.

[1] Above, p. 127, n. 8.

[2] This circumstance shows that the impeachment of Cæpio and everything connected with it, such as the lex de maiestate and the lex frumentaria, cannot belong to the second tribunate of Saturninus (100 B.C.), but must be placed in his first tribunate (103 B.C.). For in 100 B.C. Ælius Stilo accompanied his friend Q. Cæcilius Metellus to Rhodes, to stay there with him in his exile (*Sueton. de Ill. Gramm.* 3), after the riots caused by the lex agraria. In this year there was clearly no time for the trial of Cæpio, and even if there had been it is not likely that Cæpio would have been acquitted, because in 100 B.C. the popular party, under Marius, Saturninus, and Glaucia, carried all their measures, and would not have failed in securing a conviction of Cæpio.

[3] Aurel. Vict. 73: L. Appuleius Saturninus, tribunus plebis seditiosus, ut gratiam Marianorum militum pararet, legem tulit, ut veteranis centena iugera in Africa dividerentur: intercedentem Bæbium collegam facta per populum lapidatione summovit. The exceeding meagreness of this statement leaves it very doubtful to what extent Saturninus shared in the attack on the tribune Bæbius. No doubt he would have been accused of having ordered it even if he had deprecated it.

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Every one of them was to receive one hundred acres (*iugera*), and it is most likely that the liberal donation was intended to be given not only to Roman citizens, but also to Italian allies. It was a proposal that revived the schemes of C. Gracchus for a Roman colony on the site of the ruined city of Carthage, a scheme which would have been no less for the benefit of the Roman province of Africa than for that of the impoverished classes in Italy. Saturninus seems to have carried his law, though not without the employment of force; but we have no knowledge that the proposed assignment of land was actually effected, and there are reasons for doubting it. The senate had a good plea for opposing the execution of the law, because irregularities had taken place in the passing of it. When therefore Saturninus, three years later, again proposed an agrarian law, he took the precaution to add a clause obliging every senator, under a heavy penalty, to confirm the law by a solemn oath.[1]

Democratic aims of C. Servilius Glaucia.

Saturninus was supported in his democratic policy by C. Servilius Glaucia, the author of the Servilian judiciary law,[2] by which the recent law of Servilius Cæpio was set aside, and the knights were again invested with the judicial office to the exclusion of the senators. Servilius Glaucia was a vigorous opponent of the optimates, and has consequently drawn upon himself the malevolence of the writers of that party. Cicero calls him[3] a very clever, witty, and cunning, but impure man, and compares him with the Athenian demagogue Hyperbolus. Another of that party once went so far as to call him the dung of the senate house (*stercus curiæ*). Such invectives deserve very little attention. We know that the Romans indulged in them to an unwarrantable extent. It is certain that Servilius Glaucia was a man of uncommon capacity as a speaker and a politician, and though perhaps he cannot stand a comparison with the two Gracchi in point of

[1] Below, p. 159.

[2] Above, p. 119.

[3] Cicero, *Pro Rabir. post.* 6, 14. *Brut.* 62, 224. *De Orat.* iii. 41, 164.

nobility of soul and ideal aims, he cannot have been a low and vulgar or a selfish demagogue.

Exclusion of Saturninus and Glaucia from the senate by the censor Metellus Numidicus.

In the year 102 B.C. the censorship was held by Metellus Numidicus, the personal antagonist of Marius, the perfect type of a staunch and haughty aristocrat. As censor he was invested with the authority of revising the list of the senators and of excluding unworthy members from that body. This was an authority which could be entrusted to the censors only on the presumption that they would exercise it with perfect impartiality; for otherwise the senate would every five years have been cleared of all the opponents of the ruling party, and the opinions of the opposition could no longer have found expression in that assembly in which alone they could be met by argument and refuted in the course of regular debate. With rare exceptions the Roman censors discharged their duties conscientiously. They were seldom influenced by personal antipathy or party motives, and excluded only such senators as had shown themselves unworthy of their high honours by notorious vices. Metellus acted differently. He was a one-sided, uncompromising, and imprudent partisan, and he now abused the high office of censor by excluding from the senate Saturninus and Glaucia, the objectionable leaders of the opposition. Possibly the private life of Saturninus afforded some pretext for this public censure, for he is said to have been somewhat irregular in his youth before he devoted himself to public business. But the measure of Metellus was hasty and imprudent, because he had not made sure of the concurrence of his colleague before he published his decision, the agreement of both censors being necessary before a sentence of expulsion could take effect. The decision of Metellus against Saturninus and Glaucia was rejected by his colleague, and its only effect consequently was to draw upon himself the deadly hatred of the men whom he had attempted, but failed, to overthrow. In a sudden outburst of passion Saturninus attacked Metellus in his house with an armed band. A great riot took

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place; a number of Roman knights came to the rescue of the censor, and after a regular fight, in which blood was shed on both sides, Metellus made his escape to the Capitol.[1]

Saturninus and the ambassadors of Mithridates.

Not long after this disgraceful scene the nobility selected Saturninus for another attack, which shows how intensely they hated him.[2] Ambassadors of King Mithridates had come to Rome furnished with large sums of money, after the custom long since adopted by foreign princes, to secure the interest of influential men in Rome on behalf of the king. Saturninus, in his indignation at this barefaced bribery, went so far as to violate the persons of these ambassadors, and was thus guilty of an offence which it was usual to punish by delivering up the offender to the injured party. The ambassadors, at the instigation of the enemies of Saturninus, made a formal complaint, and the senate, evidently well pleased to get rid of a troublesome opponent under so fair a pretext, decided that he should be given up.[3] Saturninus was in no small danger. He appealed to the people. Great excitement was created. Both parties tried their strength, and finally Saturninus prevailed. A resolution of the people reversed the decision of the senate. Perhaps it was in consequence of this dispute that Saturninus became more popular and was a second time elected to the tribuneship for the year 100 B.C.

Second election of Saturninus

The election was very stormy. Nine tribunes had already been elected; for the tenth place there were two rival candidates, Saturninus and a certain Nonius, who

[1] Diodor. xxxvi. 15.

[2] Orosius, v. 17.

[3] Diodorus, xxxvi. 15, represents the case of Saturninus as a common criminal trial before a court consisting of senatorial judges. No such court could at that time exist, for the knights were then judges in the criminal courts. Moreover the alleged offence of Saturninus was not one that could be tried by such a court. It was an offence against a foreign nation, punishable according to international law by handing over the offender to the injured party, as in the case of Sp. Postumius (vol. i. p. 397) and Mancinus (vol. iii. p. 400). In all these cases, however, the Roman people could refuse to give satisfaction, but the refusal was equivalent to a declaration of war, as in the case of the Fabii, who had fought against the Gauls (vol. i. p. 265).

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was backed by the nobility. Riot and bloodshed had long been usual enough at contested elections. There was therefore nothing very surprising in the fact that Nonius was beaten to death by the supporters of Saturninus, whose election was thus carried triumphantly.[1] For the same year Glaucia was raised to the prætorship, and Marius, by dint of bribery, as we are told, obtained the consulship for the sixth time.[2]

to the tribuneship.

The war with the Cimbri had in the preceding year been brought to an end by the great victory at Vercellæ. The time seemed to have arrived for the popular party to establish themselves permanently in the possession of power, to take up again the reforms begun by the Gracchi, and to secure the fair and regular execution of the laws passed for that purpose. They had now at their head the great military hero of the day, the saviour of Italy, idolized by the whole population, Romans and allies; and in close alliance with him there were able and determined politicians versed in all the arts of party warfare. If the democratic party had acted wisely and vigorously, a reformation might now have been effected by which the constitution of the republic could have been adapted to the altered circumstances and the wants of the time. Unfortunately the political incapacity of Marius, joined to the wild impetuosity of his confederates, caused the failure of the enterprise, and only prepared the ground for more serious disorders.

Efforts of the popular party.

Of Caius Marius, the soldier, the general, and military reformer, we have spoken above.[3] The reverse of this fair and glorious picture was Marius the statesman. Nature had not fitted him for the arts of peace and the business of the forum or the senate house. He lacked the gift of natural eloquence,[4] and had not found a substitute for it in artificial rhetoric, such as can be acquired by

Marius as a soldier and as a statesman.

[1] Appian, *Bell. Civ.* i. 28. [2] Liv. *Epit.* 69. [3] Above, ch. viii.

[4] This could not be said, if the speech attributed to him by Sallust (*Jug.* 85) were genuine. But it is a production of Sallustian rhetoric from beginning to end.

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study and practice. Nay, with all his personal courage and coolness in the roar of battles, he was deficient in that calm self-possession and presence of mind which an orator or debater requires in the battle of words.[1] He was but imperfectly acquainted with the actual laws and constitutional practice of the republic, and might, like the great Hannibal, have excused himself by saying that he had spent the greater part of his life in the camp, far away from the field of public business. On the day of his triumph over Jugurtha he gave great offence by appearing in the senate in his triumphal costume,[2] and on the battle-field of Vercellæ he is said to have bestowed without authority the right of Roman citizenship on two cohorts of Italian allies.[3] Taken to task for this irregularity, he said that in the noise of the battle he had not heard the voice of the law.

The conduct of Marius thus far does not show that he was guilty of any reckless disregard of established order.

[1] Plutarch, *Mar.* 28 : *τὸ παρὰ τὰς μάχας ἀνέκπληκτον καὶ στάσιμον ἐν ταῖς ἐκκλησίαις ἀπέλειπεν αὐτὸν ὑπὸ τῶν τυχόντων ἐπαίνων καὶ ψόγων ἐξιστάμενον.*

[2] This was not arrogant contempt of established order, but simply ignorance; for he at once took off the triumphal ornaments when made aware of his error.

[3] Plutarch, *Apophth.*; *Mar.* 5; *Vita Mar.* 28. Valer. Max. v. 2, 8. Cicero, *P. Balb*, 20, 46; 22, 50. This story, however, is subject to some doubts. Marius may have wished to bestow the right of citizenship on aliens, but he had absolutely no legal power to do so, and his declaration by itself could not confer a title. As consul he could no more enfranchise a single stranger than he could have declared a citizen to be a senator or a magistrate. All that he could do, and all probably that he did, was to promise the right of citizenship, with the proviso that his promise would be supported by the votes of the people; or else he could declare that as long as the individuals whom he wished to honour were under his military command, he would treat them as if they were citizens by letting them enjoy the rights and privileges of such (see vol. iv. p. 190). Nonius, s. v. *Ergo*, quotes from Sisenna the following words: Milites, ut lex Calpurnia concesserat, virtutis ergo civitate donati. This lex Calpurnia, which authorised a general to bestow the Roman citizenship as a reward for bravery in the field, was probably passed in the course of the civil war, perhaps 89 B.C. It could not have been in force in the time of the battle of Vercellæ; for if it had been the conduct of Marius would have been perfectly legal, and his excuse would have no meaning. At the same time the existence of such a law shows that without it no general could bestow the Roman franchise by his own authority.

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Political aims of Marius.

On the contrary it appears that he wished to act in strict conformity with the law up to the last dreadful hour, when he stood before the gates of Rome waiting for the repeal of the order for his banishment, and when at length he was overpowered by impatience and the craving of revenge.[1] From none of the charges brought against him by the writers of the hostile party does it even appear probable that he ever entertained the plan of overthrowing the constitution by violence. Not his loyal disposition alone, but also his political incapacity, kept him from such plans, and from the conception of comprehensive reforms. His only aim was to play a prominent part in the state such as it was. The six consulships which he had gained in succession only whetted his appetite for more honours. It may be true, as the lovers of the wonderful related, that when he was a child he had the prophetic assurance of seven consulships. But he needed no such supernatural stimulus to urge him on in his career of honours. His own ambition would not let him quietly subside into the ranks of ordinary citizens when age and infirmities warned him that his time for action was past.

Marius in his sixth consulship.

In the year 100 B.C., when he was discharging the consular office for the sixth time, he was above all things bent upon carrying a measure for which his honour was pledged,[2] and which, moreover, was likely to be highly beneficial to the state. It had been customary from the first periods of conquest to let the people share in the fruits of victory. The right of occupying waste land conquered in war was of little use to the poor, who lacked the necessary capital for reclaiming and stocking it. To provide

[1] The enlisting of the capite censi was not, as it has generally been represented, an illegal innovation (see above, p. 63). The patience with which he petitioned Metellus for leave of absence, and which restrained him from leaving the army until he had obtained it, is also a proof of his obedience to established law. He showed the same patience afterwards during the catastrophe of Saturninus and Glaucia, and in his treatment of the impudent Equitius (see below, pp. 164, 166).

[2] We can take for granted that Marius when he enrolled the capite censi had held out to them the promise of assignments of land, and that he kept his soldiers for prolonged service by repeating these promises.

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for them, colonies were founded, or portions of land were assigned elsewhere; and it is natural that the men whose arms had won the territory should be the first to benefit by it. When the wars assumed larger dimensions, and the soldiers' time of service was extended, it became usual to settle only veterans on the conquered land. Thus the old soldiers of Scipio had been provided for after the Hannibalic war.[1] Before that time the country taken from the Senonian Gauls along the coast of the Adriatic (the Ager Gallicus) had been settled with Roman colonists, who for the most part must have been old soldiers, and who had to defend the newly-acquired territory. On this occasion it had become evident that the settlement of small peasant proprietors was distasteful to the great landowners, who were anxious to extend their occupations. Flaminius was treated as a dangerous revolutionist, and was obliged to break down the opposition of the senate by a measure which cleared Rome of impoverished citizens and established them as independent freeholders on land which would otherwise have lain waste or been tilled by slaves.

Co-operation of Saturninus with Marius.

Immediately after his Numidian campaign Marius had endeavoured to provide for his soldiers.[2] No doubt Saturninus had been prompted by him when he proposed to divide land among veterans in Africa. His proposal, as we have seen, had been accepted by the people, but not without recourse to violence, and it had remained unexecuted. In the absence of Marius, who was engaged in the Cimbric war, Saturninus found it impossible to effect anything against the nobility. He thought it better to wait for the termination of that

[1] Liv. xxxi. 4, 1: Exitu huius anni cum de agris veterum militum relatum esset, qui ductu atque auspicio P. Scipionis in Africa bellum perfecissent, decreverunt patres, ut M. Junius prætor urbis, si ei videretur, decemviros agro Samniti Apuloque, quod eius publicum populi Romani esset, metiendo dividendoque crearet. *Ib.* c. 49, 4: Ludi deinde a P. Cornelio Scipione, quos consul in Africa voverat, magno apparatu facti; et de agris militum eius decretum, ut quot quisque eorum annos in Hispania aut Africa militasset, in singulos annos bina iugera agri acciperet.

[2] Above, p. 62. Aurel. Vict. 73.

war and for the return of Marius, who would then be able to support him personally. That time had now come. The Teutones and the Cimbri were annihilated, the power and glory of the great general had gone on increasing, and he was now consul for the sixth time. No more favourable circumstances could be expected.

Forcible passing of the law for the distribution of conquered lands.

The nobility opposed the scheme like one man. Not a single man of any note is mentioned as favourable to the proposal. The nobility seemed more united than even at the time of the Gracchi, when there was a small but influential number of first-class men inclined to favour the reform. Nor could Saturninus expect support from the town population, who cared a great deal for distributions of corn, but very little for assignments of land, and who were moreover to a great extent the obedient clients of the nobility. The only adherents on whom Saturninus could count were the country people and the old soldiers of Marius. These accordingly were drawn into the town, and with their help the law was accepted by the assembly of tribes, but not without disgraceful riots.[1]

Clauses binding the senators to confirm the law.

A law passed in this manner had very little chance of being respected by the party, which had not been outvoted, but overpowered by physical force. Experience had shown that a law could remain a dead letter if the government felt strong enough to oppose or thwart its execution. Saturninus had, therefore, inserted a clause compelling every member of the senate to confirm the law by a solemn oath within five days, or to lose his seat in the senate, and, in addition, to pay a heavy penalty.[2]

[1] Appian, *Bell. Civ.* i. 29: ὁ Ἀπουλήϊος περιέπεμπε τοὺς ἐξαγγέλλοντας τοῖς οὖσιν ἀνὰ τοὺς ἀγρούς, οἷς δὴ καὶ μάλιστ' ἐθαρροῦν ὑπεστρατευμένοις Μαρίῳ. πλεονεκτούντων δ' ἐν τῷ νόμῳ τῶν Ἰταλιωτῶν ὁ δῆμος ἐδυσχέραινε. καὶ στάσεως ἐν τῇ κυρίᾳ γενομένης, ὅσοι μὲν ἐκώλυον τῶν δημάρχων τοὺς νόμους ὑβριζόμενοι πρὸς τοῦ Ἀπουληίου κατεπήδων ἀπὸ τοῦ βήματος, ὁ δὲ πολιτικὸς ὄχλος ἐβόα ὡς γενομένης ἐν ἐκκλησίᾳ βροντῆς . . . βιαζομένων δὲ καὶ ὡς τῶν περὶ τὸν Ἀπουλήϊον οἱ πολιτικοὶ τά τε ἱμάτια διαζωσάμενοι καὶ τὰ προστυχόντα ξύλα ἁρπάσαντες τοὺς ἀγροίκους διέστησαν, οἱ δ' αὖθις ὑπὸ Ἀπουληίου συγκαλούμενοι μετὰ ξύλων καὶ οἵδε τοῖς ἀστυκοῖς ἐπῆσαν καὶ βιασάμενοι τὸν νόμον ἐκύρωσαν.

Appian, *Bell. Civ.* i. 29.

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Question of the legality and efficacy of this provision.

The addition of this clause was an innovation of very doubtful legality and still more doubtful efficacy. The majesty of the republic itself was lowered and insulted by the imputation that the highest constitutional body would not perform a sacred duty unless bound to it by an exceptional oath and by the demand that they should undertake to do what their conscience condemned. Besides, it was an act of democratic despotism which grossly violated the existing constitutional practice.[1] It had formerly been customary for new laws to be submitted to the people only after having been maturely debated in the senate and approved by that body. But since the tribunes of the people had begun, without reference to the senate and in defiance of it, to submit their motions directly to the people, and to make laws with such rapidity that the senate was often taken by surprise, that body, unable to prevent the passing of new laws, availed itself of some legal formalities in order to weaken the bad effects of enactments which they had not been allowed to amend in their preliminary stages. This practice was not strictly constitutional, but it was perhaps justified by actual necessity. Now the objectionable clause of the Appuleian law was intended to break down the last restraint to the omnipotence of the people, and to make the senate a cipher in the matter of legislation and government.

Inconsistent conduct of Marius.

When the obnoxious clause came to be discussed in the senate, Marius declared that he for one would not submit to it, and would refuse to take the prescribed oath. The other senators followed the lead of the consul, and in consequence of this opposition the partisans of the democratic agitators were thrown into great excitement. The refusal of the senate to take the oath was justly interpreted as indicating the determination of that body to obstruct the execution of the law which had just been passed. When the term had arrived for taking the oath,

[1] The clause may be compared with the Publilian law of 339 B.C., which practically abolished the *patrum auctoritas* by ordaining that it should be given before the popular vote had been taken (vol. i. p. 371).

Marius again assembled the senate, and now declared, in contradiction to his former words, that there was an absolute necessity to take the oath, because the people were determined to see the law carried into effect. He added that if irregularities in the assembly of the tribes had vitiated the law it was null and void, and the oath could not be considered as binding. The safest plan was, therefore, to swear that the law should be respected in so far as it was really a law.

Acceptance of the oath by Marius and the senate.

After this declaration Marius at once proceeded to the temple of Saturn and took the oath before the quæstor. The senate was dumb with astonishment and utterly bewildered. But if these proud nobles had had as much self-respect and firmness as ambition, they would not for a moment have doubted what their duty called on them to do. They ought one and all to have made a stand for their dignity and independence. It would have produced a great effect if the whole senate had protested against a humiliation which democratic tyranny and sophistical cunning had prepared for them. They did nothing of the kind. With incredible pusillanimity they submitted to pass under the Caudine yoke, and one by one quietly took the oath. In the whole number there was only one who proved himself to be worthy of his rank and reputation. Q. Cæcilius Metellus resisted the threats of his enemies and the entreaties of his friends. He declared that he would brave every danger rather than take an illegal oath contrary to his conviction.[1]

[1] It was of course a matter of congratulation to Marius and the whole democratic party that their most uncompromising opponent was thus isolated and exposed. But Plutarch and other writers, ancient and modern, go too far, and bestow too much importance on Metellus, by saying that the ruin of Metellus was the object aimed at by the democratic leaders when they insisted on the oath (Plutarch, *Mar.* 29. Appian, *Bell. Civ.* 29. Oros. v. 17. Lange, *Röm. Alterth.* iii. 77). Who could have foreseen that Metellus alone would stand out against the ignominious demand? Besides, the democratic leaders had sufficient ground, apart from their hostility to Metellus, for binding the senate by the oath. The conduct of Marius on this occasion is open to serious objections. If we can implicitly trust the report, he was not free from duplicity. But we are so imperfectly informed as to the events of this period, that we can hardly judge of his real motives.

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Degradation of the Roman senate.

On this memorable day the Roman senate lost caste and descended for ever from the high position it had occupied in the community.[1] It can henceforth no longer be looked upon as an independent force in the constitution, as a body endowed with special rights guaranteed by law. The influence which alone it could henceforth exercise was due to the social position, wealth, and personal qualities of its members, not to constitutional prerogatives exercised under the authority of acknowledged law; and what made this loss of position irrecoverable was the fact that it was caused not by external violence, but by internal decay. The soul and spirit had gone out of that proud body, and therefore even the formal restoration of constitutional rights, effected afterwards by Sulla, was of short duration, and in a very few years a race of men had grown up who proved fit as senators to be the tools of irresponsible power.

Banishment of Metellus Numidicus.

Metellus did not wait for a formal condemnation. Choosing a voluntary exile he went to Rhodes, where he occupied himself with philosophical studies and patiently waited for better times. On the motion of Saturninus a formal decree of banishment was voted against him by the people.[2]

Failure of the agrarian law.

The agrarian law passed under these extraordinary circumstances is very imperfectly known to us. It ordained that land assignations should be made in the country of the Gauls, in Sicily, Achaia, and Macedonia, that colonies should be established,[3] and that Marius should be the head of the commission entrusted with the execution of all these settlements. The colonies were in all probability to be not Latin but Roman colonies, i.e. consisting of Roman citizens; and, in order to allow the

[1] Florus, iii. 47: Senatus exilio Metelli debilitatus omne decus maiestatemque amiserat. This is literally true.

[2] Plutarch, *Mar.* 29. Appian, *Bell. Civ.* 1, 31.

[3] According to Aurel. Victor, 73, the gold which Cæpio had carried away from Tolosa was to be employed for the purchase of land. Perhaps this was a clause of the first agrarian law of Saturninus, proposed 103 B.C., when Servilius Cæpio had just been condemned to restore the treasure.

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Italian allies to share in them, the law invested Marius with authority to give the Roman franchise to a certain number of colonists in each separate settlement.[1] But in the end none of them was ever founded. The only colony of the year 100 B.C. was Eporedia (now Ivrea), in the north-western Alps,[2] but it is not likely that it was established in consequence of the Appuleian law and in accordance with its provisions. For as Marius was still consul in 100 B.C., it was intended that the law should take effect in the year following, 99 B.C. The riots, however, which took place on the occasion of the elections for this year caused the sudden downfall of the democratic party and the restoration of the power of the optimates, who had no idea of carrying out a law passed in defiance of their protests.

Triple alliance of Saturninus, Marius, and Glaucia.

Saturninus, though he had compelled the reluctant senate to accept his agrarian law and to confirm it by an oath, had little hope that it would be carried into effect, unless the chief republican office of the next year were held by men of his party. It was therefore agreed between him, Marius, and Glaucia, who had formed a sort of triumvirate,[3] that whilst Marius was engaged at the head of the commission in apportioning the assignments of land to his veterans, Glaucia should administer the

[1] Cicero, *P. Balbo*, 21, 48: Saturninus C. Mario tulerat ut in singulas colonias ternos cives Romanos facere posset. In this passage the word *ternos* cannot be the correct reading. It would have been no boon for the allies, if only three of their number were to have been admitted to the Roman franchise in this manner in each colony. We must bear in mind that the question of enfranchising all the Italian allies had long been mooted, that it soon led to a great convulsion, and that Marius had, as reported (see above, p. 156), bestowed the privileges of Roman citizens on hundreds of allies without being authorised to do so. Is it likely that, in a law passed by his party when it was omnipotent, he should have been so very modest? The passage of Cicero has sense only if we read *trecenos* for *ternos*. The number of three hundred colonists was usual in coloniæ civium Romanorum in old times. Perhaps an equal number of allies was now added, and they obtained equal rights with the other colonists; thus the equalisation of Romans and Italians in civil rights, which had long been on the programme of the popular leaders, was first proposed in the Appuleian law to be carried into partial effect.

[2] Velleius, i. 13.

[3] Appian, *Bell. Civ.* 1, 29: *συνέπραξαν ὧδε ἅπαντες ἀλλήλοις.*

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consulship and Saturninus should again be elected tribune of the people. Thus fortified in the possession of the executive power, it was expected that they could resist any intrigues and attempts to thwart the execution of their law.

Election of Saturninus and Equitius to the tribuneship.

The annual elections had become a periodical trial of strength between the two parties, in which legal and illegal means were used without the least scruple. The disregard of custom and law in the process of election was carried to actual and open violence. It was still unlawful for a tribune to be re-elected immediately after a year of office, though the younger Gracchus had not hesitated to solicit votes for such a second tribuneship and had obtained them. By this violation of the law the law itself was not repealed, but a precedent had been established which Saturninus did not hesitate to follow. He was elected, and with him a certain Equitius, an impudent adventurer, who gave himself out for a son of Tiberius Gracchus, and had thus on false pretences become popular with great numbers of voters. His claim had been rejected the year before by Metellus, who then as censor had to draw up the list of citizens; for it was notorious that Gracchus had not had more than three sons, and that all of these had died; besides, Sempronia, the sister of Gracchus and widow of Scipio Æmilianus, when called upon to give her evidence, had declared Equitius to be an impostor. Nay, Marius himself, whether from honest indignation or from fear for his party, had caused the dangerous pretender to be thrown into prison. This treatment had contributed to heighten his popularity. The mob broke into the prison, set him free, carried him on their shoulders into the assembly, and made him tribune along with Saturninus.

Tumults at the consular elections.

The irregularity in the election of the tribunes, bad as it was, was far surpassed by the disorder which accompanied that of the consuls. One place of the office was without opposition filled by the election of the great

orator Marcus Antonius, a man who, though counting among the optimates, was known for his moderation. The candidate for the second place in the consular office was Caius Memmius, the able and ambitious agitator who in the times of the Jugurthine war had made the most vigorous onslaughts on the malpractices of the nobility.[1] He had since then changed sides, and was now an energetic champion of the party which he had formerly opposed. The popular leaders were determined at any price to oppose his election and to secure the consulship to Servilius Glaucia. By the constitution Glaucia was disqualified because he still held the office of prætor. But constitutional scruples did not disconcert men of his stamp. He openly appeared as candidate. Both parties were already accustomed to employ force to carry an important measure, and mustered their supporters for a decisive combat. The optimates had on their side the town rabble and the young men of the noble houses who formed the eighteen centuries of knights, besides a reserve of slaves and gladiators. On the other side were ranged the country people and the veterans of Marius, who were especially formidable in a contest such as was imminent. It was reported that the latter had held secret meetings, at which the opinion was expressed that Saturninus should be proclaimed imperator or king.[2] Attempts were made to come to an understanding mutually acceptable, but they failed, owing to the duplicity of Marius, who was perhaps hesitating what side he should take to secure the execution of the agrarian law, the object which he had chiefly at heart. All hopes of a peaceful arrangement were at last dashed to the ground by a sudden outbreak of brute violence. C. Memmius was attacked by the Marians on the day of the election and beaten to

[1] In the year 111 B.C. See above, p. 25.

[2] Florus, iii. 16: Glaucia in eo tumultu regem se a satellitibus suis appellatum lætus accepit. This was perhaps merely an idle report or invention of Glaucia's enemies. But even if some followers of his were such fools as to utter cries of this sort, we cannot imagine that Glaucia was either responsible for them or paid any attention to them.

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death with clubs on the forum.[1] This put an end to further constitutional proceedings, and was the introduction to a regular street fight between the contending parties.

Perplexity of Marius, who turns against the popular party.

Marius found himself placed in an awkward dilemma. He was no longer able to control his own party, and was being carried along by them against his will far beyond the point to which he had intended to go.[2] He had now to decide whether he should approve of their acts and support them in their attempt to overthrow all legal order and authority, or whether he should restore peace. This was equivalent to ruining his own cause. Yet as consul and responsible head of the government it was clearly his duty to prevent riot and bloodshed. The senate called upon him to interfere. The aged M. Æmilius Scaurus, a man enjoying general respect as foreman of the senate, urged him 'to defend liberty and the laws with arms.'[3] A vote of the senate commissioned the two consuls by a formal decree, with the aid of such tribunes and prætors as they might select, to devise means for the preservation of the *imperium* and *maiestas* of the Roman people.[4] It is possible that Marius was determined to act by a promise that the agrarian law should in any case be carried out. He saw that his confederates had gone too far. Worse than that, they were worsted in the very beginning of the actual conflict and driven to take refuge on the Capitol. The whole of the nobility

[1] Appian, *Bell. Civ.* 1, 32.

[2] Plutarch, *Mar.* 30.: Μάριος δὲ τὸν Σατορνῖνον ἐπὶ πᾶν προϊόντα τόλμης καὶ δυνάμεως περιορᾶν ἀναγκαζόμενος ἔλαθεν οὐκ ἀνεκτὸν ἀπεργασάμενος κακὸν, ἀλλ' ἄντικρυς ὅπλοις καὶ σφαγαῖς ἐπὶ τυραννίδα καὶ πολιτείας ἀνατροπὴν πορευόμενον.

[3] Valer. Max. iii. 2, 18: Ut libertatem legesque manu defenderet.

[4] Cicero, *P. Rabir. Perd.* 7, 20: Fit senatus consultum ut C. Marius L. Valerius consules adhiberent tribunos plebis et prætores quos eis videretur operamque darent ut imperium populi Romani maiestasque conservaretur. Adhibent omnes tribunos plebis præter Saturninum, prætores præter Glauciam: qui rem publicam salvam vellent, arma capere et se sequi iubent. Parent omnes. Ex ædibus sacris armamentariisque publicis arma populo Romano, C. Mario consule distribuente, dantur. The senatus consultum here mentioned was equivalent to the 'videant consules ne quid respublica detrimenti capiat,' as Cicero himself says, *Catil.* i. 2, 4.

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was this time unanimous, and took up arms like one man. Even the old Scaurus had donned the long disused breastplate and leaned his tottering limbs on a spear. A body of troops was posted at the gates of Rome to keep off the expected bands of Marian veterans from the neighbourhood. Altogether the cause of the democrats seemed lost by the sudden energy of the nobility, as on the occasion of the riots in which Tiberius Gracchus and his brother Caius were overpowered by their furious assailants and meanly abandoned by their partisans. Marius saw he had no choice. He complied with the summons of the senate, attacked the rioters with an armed force, hoping perhaps to save their lives in the end, but with a heavy heart,[1] and with the presentiment that whatever line of action he might follow he would contribute to his own downfall and to that of his party.

Murder of Saturninus, Glaucia, and others.

When Saturninus and Glaucia found that they had miscalculated their strength, and that even Marius had turned against them, they surrendered, hoping that after all they would not be sacrificed to the fury of the victorious party. But the latter could no longer be controlled. Marius, who had not been able to restrain the impetuosity of his own party, was now unable to direct the course of events when the nobility, driven to madness by the heat of the contest, demanded the lives of the insurgents. He had caused the prisoners to be confined in the senate-house, there to await their trial, which was to come on in regular form when the present excitement should have subsided. But the champions of order and law would not wait for these slow proceedings. Foremost among them the knights surrounded the senate-house, mounted upon the roof, took off the tiles, and with them stoned the prisoners inside to death. Some who had escaped into the street were pursued and openly cut down. In this promiscuous slaughter were killed, besides Saturninus and Glaucia, the ædile Saufeius, the wretched Equitius who called himself the son of Tiberius Gracchus, and several

[1] Appian, *Bell. Civ.* i. 32: ὁ Μάριος ἀχθόμενος ὅμως ὥπλιζέ τινας σὺν ὀκνῳ.

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other men of note.[1] On both sides legal order was set at nought and superseded by brute force and sanguinary violence.

Discomfiture of the popular party.

The victory of the optimates was complete, nor was it a material victory alone. The democrats had sustained a moral defeat as well, which had not been the case at the downfall of the two Gracchi. The noble character of the Gracchi, their single-minded, unselfish patriotism was always generally admitted and extolled even by their political opponents. Their memory was honoured; they were pitied, not hated. They had sacrificed themselves for what they thought to be the good of the poor and the oppressed. But in the case of Marius and his associates public professions seemed only a pretext for the prosecution of personal ends and the gratification of ignoble passions: unbounded ambition with the one; envy, jealousy, and revenge with the others. One blow therefore sufficed not only to overthrow but almost to annihilate the popular party. Marius had so completely exhibited his political incapacity to all the world that he suddenly dropped into total oblivion and contempt from the summit of popularity and the highest office of the republic. It is true he escaped a public prosecution, for perhaps his conduct had been so far correct or prudent that no formal violation of law could be brought home to him, or it may be that even his victorious enemies did not venture to touch the saviour of Rome.

Departure of Marius for Asia Minor.

But his public career was at an end. He was thrust aside and compelled to look on patiently whilst his opponents collected the spoils of victory, and, in spite of the oath they had taken, treated the agrarian law of Saturninus as a dead letter. He lost all confidence in himself, so much so that after laying down the consulate he had not courage enough to compete for the distinction of the censorship, an office which would appear the necessary sequence of six consulships. On the pretext

[1] Appian, *Bell. Civ.* i. 32. A few others, such as Labienus, Geganius, and Dolabella, are mentioned by Orosius, v. 17.

of a vow that he had made to the Phrygian mother of the gods, he went to Asia Minor, where he impatiently waited for an opportunity which would enable him to return to Rome and to show that he was still the great military genius he had been.

Moderation of the aristocratic party.

The nobility seem not to have abused their victory in the prosecution of their humiliated opponents. They were even less vindictive than after the fall of the Gracchi. One exception however was made. The house of Saturninus was demolished from the foundations,[1] and a certain Caius Titius is reported to have been condemned by the people assembled in its judicial capacity for the offence of having had a portrait of him in his house.[2] This severity is the more extraordinary if we compare it with what happened after the death of C. Gracchus, when, as we are told, many of his admirers erected altars to his memory and honoured him with oblations like a god without being exposed to the risk of prosecution.[3] But it seems that the offence for which C. Titius suffered was not his attachment to the memory of Saturninus. He was, according to Cicero, a seditious and dangerous politician,[4] and having been elected tribune of the people, he moved the adoption of an agrarian law, by which, as we may suppose, the Appuleian law was to be confirmed and its execution secured. It was for the purpose of silencing him that he was prosecuted the year after his tribunate. On this occasion his friendship for Saturninus, as shown by the portrait of him which he had put up in his house, was used as an argument to prove his guilt, and he was obliged to go into exile. In a similar manner a certain C. Decianus was made to suffer, because he had ventured in a forensic speech to lament the death of Saturninus.[5] These few facts show that while the nobility were determined to gather the fruits of their victory and

[1] Valer. Max. vi. 3, 1.
[2] Valer. Max. viii. 1, damn. 3. Cicero, *P. Rabir. Perd.* 9, 24.
[3] Plutarch, *C. Gracch.* 18. [4] Cicero, *De Orat.* ii. 11, 48.
[5] Valer. Max. viii. 1, damn. 2. Cicero, *P. Rab. Perd.* 9, 24.

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to keep down the defeated democrats, they did not exercise a reign of terror, and probably felt secure enough to allow their opponents peace on condition of keeping quiet.

Recall of Metellus Numidicus from exile.

The first use which the nobility made of their triumph was an act not of revenge but of compensation and gratitude. At the time when they were pushed to extremities by the triumvirate of Marius, Saturninus, and Glaucia, they had, with disgraceful cowardice, abandoned their leader Metellus to the vengeance of the democrats, and had suffered him to go into exile.[1] They now felt it to be their duty to restore him to his country and his honours. Q. Calidius, a tribune of the people, brought in a motion for his recall, and this was voted amid the enthusiastic applause not only of the banished nobleman's own friends and party, but, as we are assured, of the whole people. On this occasion the son of Metellus gained for himself the name of Pius by the indefatigable zeal with which he worked for the passing of the motion. One of the tribunes of the year, P. Furius, who was a personal enemy of Metellus Numidicus, because he had been deprived by him in his censorship of his equestrian rank, opposed his recall, and would not withdraw his opposition even when the son implored him on his knees for mercy. Nevertheless, the motion was carried in the tribes. Metellus was formally recalled to Rome. His entry was a day of triumph for himself and for his party, and his opponent Furius, on being accused by the tribune C. Canuleius for factious opposition in the following year, was torn to pieces in the market-place by the enraged populace.[2]

[1] Above, p. 161.

[2] Dio C., *Frg.* 95. Appian, *Bell. Civ.* i. 33. The case of P. Furius is very interesting and instructive. It seems that his opposition could not have amounted to a formal intercession, as in that case the motion of Calidius for the recall of Metellus could not have been put. It is therefore an illustration and proof of what has been said above (p. 149, n. 3). Furius evidently showed great personal courage by trying to swim against the stream, for the nobility were now able to carry everything before them. But he had previously abandoned the popular party, and had actually joined in the attack on Saturninus and Glaucia. Thus

CHAP. XII.

Comparative tranquillity of the nine years next following. Legislative reforms.

Nine years passed now in comparative quiet down to the tribunate of M. Livius Drusus in 91 B.C. The annals, or, at least, such fragments of them as have been preserved, contain nothing from which the contrary might be inferred. The boldest demagogues were dead; Marius for a considerable time was absent from Rome; Súlla had not yet emerged from the lower ranks in the magisterial hierarchy, and seems to have exercised no influence on the policy of the government. We hear of the passing of a law proposed jointly by the consuls Cæcilius and Didius of the year 98 B.C., which was intended to moderate the unbecoming and perilous precipitancy with which it had become customary to pass new laws through the legislature. It was ordained that a trinundinum—i.e. two Roman weeks—before a law was submitted to the vote of the comitia, its contents should be made known to the public, and that the votes should be taken on each law separately, not on two laws of distinct character and bearing, joined together as one, or tacked on to one another.[1] The wild haste with which it had become customary to lay tribunician proposals before the popular assembly and to pass into laws sudden whims of fanatical demagogues, without even consulting the senate, was a mockery of the solemn, deliberate, and dignified procedure of the good old time, and incompatible with a steady government and permanent legal institutions. Under such circumstances the legislation had become a party manœuvre to serve the purposes of the moment. Laws were lightly made, repealed,

he might have thought himself safe even in his opposition to Metellus. His death shows how easy it was for any dominant party at this time to inflame the people to acts of violence. Appian (l. c.) says very appropriately, *οὕτως ἀεί τι μύσος ἑκάστου ἔτους ἐπὶ τῆς ἀγορᾶς ἐγίγνετο.*

[1] Cicero, *Philipp.* v. 3, 8; *De Dom.* 16, 41. Schol. Bob. p. 310, Orell. The tacking of one law upon another to make it pass, a practice well known in English parliaments, was called in Rome, legem per saturam ferre; a satura was, according to Festus, s. v., lex multis aliis legibus conferta. Cicero describes the lex Cæcilia Didia (*De Dom.* 20, 53): Quæ est alia vis, quæ sententia Cæciliæ legis et Didiæ nisi hæc, ne populo necesse sit in coniunctis rebus compluribus aut id quod nolit accipere, aut id quod velit repudiare? Strangely enough, the lex Cæcilia Didia itself is such a law, for the two principal parts have no necessary connexion with each other.

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renewed, or cast aside unceremoniously, according to the fluctuations of politics. Since the time of the Gracchi the constitution of the republic had been in an unsettled state, constantly swaying from side to side, so that it must have been difficult to know in some cases what the law was at any given time. Nor was the form of the Roman laws by any means simple, and they were not the embodiment of a few principles in general outlines, easily apprehended and remembered. On the contrary, as we see from the few preserved fragments of judicial and agrarian laws, they were extremely complicated; they entered into most minute detail and into numerous specifications; they contained a variety of clauses with stipulations, reserves, limitations, provisos, and all the legal subtleties in which Roman jurists delighted. It is difficult for us to conceive how such extremely fine and delicate workmanship could be turned out by the rude process of popular mass voting; how it could ever be tolerated or excused that the senate, the only body competent to understand and discuss the technicalities of these laws, should be ignored by the demagogues; and how a casual mob whipped into the market-place by their agents should ever have been allowed to imprint the stamp of authoritative law on a mass of paragraphs which they could not have studied, or even read and understood beforehand. We may judge of the condition of the legislative functions in the Roman constitution, if the law of Cæcilius and Didius, which provided the space of a fortnight for examining proposals of law before they could be submitted to the legislative assembly, was really an improvement worth contending for.

Censorship of Antonius and Valerius.

An illustration of the anarchy then reigning in the making and execution of the laws is furnished by the censorship of Antonius and Valerius which immediately followed. Antonius had been accused of *ambitus* by the tribune Duronius, and took his revenge by ejecting him from the senate on the plea that he had caused a law to be abrogated which limited the expense of dinner parties.

Here we see in one example an accumulation of abuses and disorders, betokening the decrepitude of the republican constitution. A vain attempt to limit private expenses by law is no sooner made by one party than it is set aside by another party. The author of this sensible measure proceeds in perfectly legal form; nevertheless he is punished in an arbitrary manner by an abuse of official authority on a false plea, for the gratification of private revenge.[1]

Accusation and condemnation of Rutilius Rufus.

Since the passing of the judiciary law of C. Gracchus in 125 B.C., the knights had discharged the functions of judges in the criminal courts, with a single short interruption caused by the law of Servilius Cæpio,[2] and they had made this privilege a source of great profit to themselves. In the provinces, where they farmed the revenue, they could practise extortion at pleasure. They made common cause with the governors of the senatorial order, conniving at their malpractices and thus gaining impunity for their own. If by any chance a proconsul was honest, and had the welfare of his province at heart, he became the object of their hostility. But cases of this kind were of rare occurrence, and could not disturb the usual friendly relations between knights and senators, which were uninterrupted till the year 95 B.C. In that year Publius Rutilius Rufus, a man of consular rank and great merit, was legatus in Asia under the proconsul Quintus Mucius Scævola,[3] and had for some time to act as governor of the province independently of his superior. He was a man of considerable culture, familiar with Greek literature and philosophy, of which he selected, like most Romans, that of the Stoa for his own guidance; as legate of Metellus in the Jugurthine war he had shown himself to be an able

[1] Valer. Max. ii. 9, 5. Cicero, *De Orat.* ii. 68, 274.

[2] Above, p. 117.

[3] It is not quite certain whether Mucius Scævola administered the province of Asia as prætor in 99 or 98 B.C., or after his consulship 95 B.C. Diodorus, *Frg.* 37, 5, speaks of him as prætor (στρατηγός.) But as the trial of Rutilius Rufus seems to have taken place in 93 B.C., it is probable that his administration of the province which supplied the materials for it, had preceded it but a short time.

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soldier,[1] and, like Marius, he had introduced improvements into the detail of the service, especially by drilling the legionary soldiers in the more effective use of the sword practised by professional gladiators.[2] Though not belonging by birth to the high nobility, he had succeeded, like Marius, with some difficulty in being elected for the consulship in 103 B.C., and had held a command in Italy whilst his colleague, Cneius Mallius, prosecuted the war in Gaul which ended in the great overthrow of the Roman army on the Rhone.[3] When, as a man of mature age, he accompanied his friend Q. Mucius Scævola as legate[4] into Asia, he energetically supported him in the just and firm administration of his office.[5] Thus he drew upon himself the deadly hatred of the farmers of the revenue and the Roman usurers, and on his return to Rome was accused by a certain Apicius of extortion. It seems to have been a favourite practice in Rome to accuse a man of the very crimes which in his official capacity he had endeavoured to repress. Rufus, too proud to plead to such an iniquitous charge, declined the aid of the first forensic orators of the age, Antonius and Crassus, who offered to defend him. It may be that he knew too well the spirit of his judges, who were linked in interest with his prosecutors, and were from the first resolved to condemn him. The prostitution of justice was never exhibited more shamelessly. The man who with all his might had checked the rapacity of the privileged plunderers of the

[1] Above, p. 45. [2] Valer. Max. ii. 3, 2. [3] Above, p. 95.

[4] The consular dignity of Rufus makes it more likely that the chief under whom he served as legate had the high rank of proconsul, than that he was only prætor. See p. 173, n. 3.

[5] Diodorus, *Frg.* 37, 5, gives a highly instructive description of provincial administration at this time: Κόιντος Σκαιουόλας . . . . ἐκπεμφθεὶς εἰς τὴν Ἀσίαν στρατηγὸς ἐπιλεξάμενος τὸν ἄριστον τῶν φίλων σύμβουλον Κόιντον Ῥυτίλιον μετ' αὐτοῦ συνήδρευε βουλευόμενος καὶ πάντα διατάττων καὶ κρίνων τὰ κατὰ τὴν ἐπαρχίαν . . . . οἱ γὰρ προγεγονότες κατὰ τὴν Ἀσίαν δημοσιῶναι κοινωνοὺς ἐσχηκότες τοὺς ἐν τῇ Ῥώμῃ τὰς δημοσίας κρίσεις διαδικάζοντας ἀνομημάτων ἐκπεπληρώκεσαν τὴν ἐπαρχίαν . . . . πᾶσι γὰρ τοῖς ἠδικημένοις ἀκριβῆ κριτήρια προστατεύων καταδίκους ἐν ἅπασι ἐποίει τοὺς δημοσιώνας καὶ τὰς μὲν ἀργυρικὰς βλάβας τοῖς ἠδικημένοις ἐκτίνειν ἠνάγκαζε, τὰ δὲ θανατικὰ τῶν ἐγκλημάτων ἠξίου κρίσεως θανατικῆς κ.τ.λ.

province was found guilty of extortion, condemned, and compelled to leave Rome as an exile. He chose as the place of his banishment the province which had been the scene of his honourable exertions and the cause of his misfortune, and here he spent the rest of his life, occupied with philosophical studies and the composition of historical writings. CHAP. XII.

Abuse of the judicial functions by the Equites.

The condemnation of Rutilius Rufus was an outrage on public justice. It showed that the knights were undeserving of the high confidence placed in them by C. Gracchus when he made them the supreme judges in the state, that they did not scruple to abuse their judicial functions as a means for enriching themselves at the expense of the provinces, and for securing impunity to their associates in plundering and cheating the subjects of Rome.[1] There were some among the nobility who desired to put an end to these evils, which grew more and more unendurable. Problems of a different kind also remained to be solved, problems which had never been lost sight of by large-minded men since the time of the Gracchi, foremost among which were the extirpation of pauperism in town and country, and the equalisation of the rights of the Italian allies with those of Roman citizens. The difficulty of these problems had hitherto baffled all reformers. The latter especially had never been boldly taken in hand. It now came to the front. A magnanimous reformer attempted a new solution. He lost his life in the attempt, and then, when peaceful measures had failed, a terrible internal war finally settled the question.

[1] Vol. iv. p. 462.

CHAPTER XIII.

MARCUS LIVIUS DRUSUS.

BOOK VII.

Motives and aims of M. Livius Drusus.

THE man who attempted the great and noble task of dealing with the internal diseases of the republic was the youthful tribune of the year 91 B.C., Marcus Livius Drusus, son of that Livius Drusus who, as tribune in 122 B.C., had outbid the liberality of C. Gracchus by his agrarian proposals, for the purpose of undermining the popularity of the reformer. By descent, connexion, and standing, Drusus was a member of the nobility, for the Livian house had long held a prominent position among the great families, and his father's services to the cause of the optimates suggested a similar policy for the son.[1] His temper was proud, ardent, impetuous. He had something of the noble enthusiasm of the Gracchi. Generous and free from all selfishness and meanness,[2] but without political experience, adroitness, and knowledge of men, he aspired to a task which surpassed his strength, and

[1] Velleius Pat. ii. 13: M. Livius Drusus, vir nobilissimus, eloquentissimus, sanctissimus, meliore in omnia ingenio animoque quam fortuna usus. Diodor. xxxvii. 10: Δροῦσος . . . . κεκοσμημένος πᾶσι τοῖς πρωτείοις . . . . μεγάλην δ' ἀξιοπιστίαν ἔχων καὶ κατὰ τὰς ὑποσχέσεις ὢν βεβαιότατος, ἔτι δὲ πλήρης εὐγενοῦς φρονήματος.

[2] Aurel. Vict. 66: Nimiæ liberalitatis fuit . . . . ideoque quum pecunia egeret multa contra dignitatem fecit. Dio C., *Frg.* 96: προέφερε Δροῦσος τῷ γένει καὶ τῷ πλούτῳ τῷ τε ἐς τοὺς ἀεὶ δεομένους αὐτοῦ ἀφειδῶς ἀναλώσει. As a characteristic trait of his character Velleius, ii. 14, relates that he instructed his architect to build his house so that everybody might be able from the outside to see what was going on inside. The same personal pride and self-sufficiency induced him when he was quæstor in Asia not to exhibit the insignia of his office, 'ne quid ipso esset insignius,' Aurel. Vict. 66. This sentiment rose to bombastic self-glorification in his dying words, 'ecquandone similem mei civem habebit res publica?' Vell. ii. 14.

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Judiciar law of Livius Drusus.

which, under the given circumstances, could not be solved by peaceful reformatory measures.

The chief object of the policy of C. Gracchus had been the weakening of the senate and the nobility in general. Drusus attempted to bring about a reconciliation between it and the second great interest in the state, the knights, that class which Gracchus had destined to be a counterpoise to the senate, but which was now threatening to exercise a sort of tyranny over the whole community by means of the law courts in which they presided.[1] The reconciliation could be effected only if the knights consented to surrender a portion of the exclusive judicial rights given to them by the Sempronian laws. Drusus accordingly proposed a new judiciary law. Three hundred of the foremost knights, in conjunction with the senators, were to furnish the judges of the different courts in equal proportions. By this measure the senate would recover part of the influence it had lost. The knights, without entering the senate and without participating in the purely political functions of that body, would form with the senators a kind of enlarged senate, in which the two orders were on a level, and jointly entrusted with the most important judicial functions.[2] By a special clause of the

[1] Florus, iii. 17: Equites Romani tanta potestate subnixi ut qui fata fortunasque principum haberent in manu, interceptis vectigalibus peculabantur suo iure rem publicam.

[2] Liv. *Epit.* 71: Drusus iudiciariam legem pertulit, ut æqua parte iudicia penes senatum et equestrem ordinem essent. Appian, *Bell. Civ.* i. 35: *τήν τε βουλὴν καὶ τοὺς ἱππέας, οἳ μάλιστα δὴ τότε ἀλλήλοις διὰ τὰ δικαστήρια διεφέροντο, ἐπὶ κοινῷ νόμῳ συναγαγεῖν ἐπειρᾶτο, σαφῶς μὲν οὐ δυνάμενος ἐς τὴν βουλὴν ἐπενεγκεῖν τὰ δικαστήρια, τεχνάζων δ' ἐς ἑκατέρους ὧδε. τῶν βουλευτῶν διὰ τὰς στάσεις τότε ὄντων μόλις ἀμφὶ τοὺς τριακοσίους ἑτέρους τοσούσδε αὐτοῖς ἀπὸ τῶν ἱππέων ἐσηγεῖτο ἀριστίνδην προσκαταλεγῆναι καὶ ἐκ τῶνδε πάντων ἐς τὸ μέλλον εἶναι τὰ δικαστήρια.* The passage of Appian is not quite so clear as that of the epitome of Livy, which admits of no doubt. But even Appian's words are incompatible with the interpretation that Drusus proposed to raise the three hundred knights to the rank of senators, and to form a new senate twice as numerous as the old one, so that the new members would have ceased to be knights and have become senators in every respect. This is the view adopted by Mommsen, *Röm. Gesch.* ii. 216, Lange, *Röm. Alt.* iii. 96, Rudorff, *Röm. Rechtsgeschichte*, i. 93, and Rein in Pauly's *Real Encylop.* iii. 218, but satisfactorily refuted by Zumpt, *Röm. Crim. Recht*, ii. 1, 238 ff.

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same law a commission was appointed to inquire into cases of bribery, and to punish judges found guilty of it. It is hardly necessary to say that precautionary measures of this kind, which reveal the existence of corrupt practices, are of very little use if the spirit of society and an overwhelming public opinion do not come to the assistance of the law. For if the judges of the first court are not proof against temptation, who can guarantee the impartiality of the superior judges set over them as guardians of justice?[1]

Resumption of the work of C. Gracchus.

So far as the judiciary law was concerned, Drusus, as we have just seen, followed a middle course, differing from that taken by C. Gracchus. In his other measures, by which he endeavoured to improve the condition of the poor population of town and country, he entirely resumed the policy of his predecessor. He proposed successively laws for the distribution of corn, for the assignation of land, and for the establishment of colonies.[2] The first was a measure of relief for the city proletarians, for whom it was necessary to make some sort of provision to keep them submissive and content; the second and third laws were a complement to the first, providing for the poor cultivators of the soil who could not share in the distributions of corn in the town. It was a renewed attempt to regenerate an independent peasantry as the main support of the republic, and to counteract the destructive influences of slave labour.

Divisions of opinion among the nobles.

Drusus was not so isolated in his projects of reform as the Gracchi had been. He had an influential following among the nobility, which he did not attack like the Gracchi as an irreconcilable opponent. Attempting by a compromise to regain some of the privileges which the nobility had lost, he was even looked upon as their champion,[3] and was supported by many of the leading men

[1] Appian, l. c. Cicero, *P. Cluent.* 56, 153; *P. Rab. Post.* 7, 16.

[2] Appian, *Bell. Civ.* 1, 35: *ὁ δὲ τὸν δῆμον ἐς τοῦτο προθεραπεύων ὑπήγετο ἀποικίαις πολλαῖς ἔς τε τὴν Ἰταλίαν καὶ Σικελίαν ἐψηφισμέναις μὲν ἐκ πολλοῦ γεγονυίαις δὲ οὔπω.* This seems to show that Drusus resumed the colonial law proposed by his father in 122 B.C. See vol. iv. p. 472.

[3] Cicero, *P. Mil.* 7, 16: Senatus propugnator atque illis quidem temporibus

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of the senate, such as M. Æmilius Scaurus, L. Licinius Crassus, Q. Mucius Scævola the augur, M. Antonius, Q. Lutatius Catulus, C. Aurelius Cotta, and P. Sulpicius Rufus. He had thus on his side the most influential, if not the most numerous, party in the senate. He was also sure of the assent of those knights who by his law had a prospect of rising above the mass of their order, and to be ranked almost on a level with the ruling families. But he found by experience, what all men must find who adopt a middle course, that the extreme partisans on both sides were dissatisfied, and were banded together against him by their common hatred. If moderate and wise politicians supported him, and perhaps even urged him on,[1] if men like Scaurus and Crassus spoke for his proposals, Marcius Philippus, consul of the year, Q. Servilius Cæpio, and others were his bitterest enemies, and the great mass of the knights, who saw themselves excluded from the honours reserved to a few, made common cause with them.[2]

Changes in the political creed of the consul Marcius Philippus.

The consul Marcius Philippus had not always been an extreme partisan of the reactionary party of which he now was the embodiment. On the contrary he had, as tribune of the people, proposed an agrarian law which breathed the spirit of the Gracchi.[3] On this occasion he had asserted that in the whole body of citizens there were not two thousand men of substance,[4] and, as appears from Cicero's expressions, he recommended a sweeping confiscation for the benefit of the great mass of proletarians. He was, however, soon convinced that his efforts in this direction were vain, or perhaps that they were pernicious, and was prevailed upon to drop his

pæne patronus. *De Orat.* i. 7, 24: Eius tribunatus pro senatus auctoritate susceptus. Liv. *Epit.* 71: Drusus, quo maioribus viribus senatus causam susceptam tueretur, etc. Vell. Pat ii. 13.

[1] This is reported of Scaurus, who, being threatened with a prosecution by Cæpio, called upon Drusus to deprive the knights of judicial functions. Ascon. ad Ciceron. *P. Scaur.* 21.

[2] Appian, *Bell. Civ.* 1, 35.

[3] Cicero, *De Off.* ii. 21, 73: Capitalis oratio et ad æquationem bonorum pertinens, qua peste quæ potest esse maior?

[4] Cicero, l. c.: Non esse in civitate duo milia hominum qui rem haberent.

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proposed law.[1] He changed sides, and henceforward became a virulent opponent of the party of reform.

Reactionary policy of Q. Servilius Cæpio.

Q. Servilius Cæpio was the son of the consul of 106 B.C., the author of the Servilian law which was intended to reverse the judiciary law of C. Gracchus,[2] but better known for his misfortunes, his great defeat on the Rhone, his prosecution, and exile.[3] Both father and son were zealous members of the conservative party, but the son seems to have been the more violent of the two. He had played a prominent part in the street riot by which the first attempt of Saturninus in 103 B.C. to pass a frumentarian law was thwarted, and he appeared again as a champion of the nobility in 100 B.C., when Saturninus with the help of the veterans of Marius bore down all opposition and carried the Appuleian law [4] which indirectly led to the exile of Metellus.[5] For the first offence he was prosecuted, but acquitted.[6] What part he played during the short ascendency of the democratic party we do not know. Perhaps he was wise enough to keep himself out of the way; but when Saturninus and Glaucia had been slain in open revolt, and the optimates had regained possession of the government, he came to the front again, and now he joined with Marcius Philippus and others of the extreme reactionists to resist the compromise proposed by Drusus, although Drusus had been connected with him by intimate friendship and even by intermarriage.[7]

Alarm among the Italian allies.

Whilst the judiciary law of Drusus produced divisions in the nobility as well as among the knights, his proposals of agrarian and colonial laws had the same effect among the Italians. Those Italians who held in possession portions of public land belonging to the state were naturally

[1] Cicero, l. c.: Antiquari legem facile passus est.

[2] Above, p. 117. Both men, father and son, had the same name. Their relationship is nowhere distinctly stated, but may be inferred from the dates. See Mommsen, *R. G.* ii. 205, n.

[3] Above, p. 97.

[4] Above, p. 157 ff.

[5] Above, p. 162.

[6] Above, p. 151.

[7] Dio C., *Frg.* 96, 3. He seems to have been extremely contentious, and fell out with men of his own party, such as M. Æmilius Scaurus, whom he prosecuted, and by whom he was prosecuted in turn. Cic. *P. Scaur.* 1, 2, Ascon. *in Scaur.* p. 21. Orelli.

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apprehensive that it was the intention of Drusus to take this land from them, and to divide it in assignments among the poorer citizens; for apart from the reserved public land in Campania, not much was left to be disposed of, since by the law of 111 B.C.[1] all the occupations of Roman citizens had been declared to be no longer public but private property. The Italian allies had been very much alarmed already by the Sempronian laws, which seemed to them to be directed against the security of their possessions. At that time they had succeeded in having them solemnly guaranteed by the Roman government.[2] But now the danger of spoliation presented itself again, for where was land to be found in Italy for distribution, unless the possessions of the allies were seized for the purpose?[3] The allies found their apprehensions shared by the knights, who, as farmers of the taxes of the public land in Italy, were threatened with a loss of their profits. They made therefore common cause with the Italian occupiers of land in resisting the proposed laws of Drusus. We are told that a great number of them collected together in Rome, especially from Etruria and Umbria, determined to prevent the passing of the obnoxious laws.

Opposition of parties among the Italian allies.

If the rich Italians who were occupiers of public land combined with the aristocratic party in Rome to resist the proposed law of Drusus, their poorer countrymen were stimulated by identical interests with the poorer Romans to support it. Drusus must have intended to let them benefit by the breaking up of the large estates by assigning to them small allotments for tillage; for as the final object of his reform was the equalisation of their rights with those of Roman citizens, he cannot have intended to treat them differently in respect of the improvement of their economical position. But like the Gracchi he kept in reserve the great measure of extending the Roman

[1] The Thorian law. See p. 9.

[2] Vol. iv. p. 415.

[3] A curious expression is reported of Drusus, which may have reference to the difficulty of finding land for assignments, 'He had left nothing to give away except the sky and mud' Aurel. Vict. 66: Nemini se ad largiendum præter cælum et cœnum reliquisse.

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citizenship to the Italians, intending first to complete the reforms within the body of the old citizens, and, when this should have been accomplished, to obtain their consent for the greatest and most comprehensive reform of all. As long as this reform was unaccomplished, the two classes of Italians, the great landowners and the poor peasants, were opposed to each other by conflicting interests. The bestowing of the Roman franchise on both might have reconciled both; it would have guaranteed to the occupiers the right of property in those portions of public land which were not resumed by the state for distribution to the poor; and these latter would, as Roman citizens, have shared in all colonies and assignations of land. Lastly both classes, rich and poor, would be raised from their inferior position, and be freed from the oppressive and degrading disabilities which exposed them to the arbitrary treatment of Roman officials; they would in private and in public life have equal chances with their Roman competitors, in buying and selling no less than in the honours and dignities of the republic.

Drusus and the knights.

Thus the motions of Drusus had stirred up the whole community to the very bottom. Everything was unsettled. No class felt unqualified satisfaction and full confidence except the city proletarians, whose right to be fed at the public expense was in no way curtailed by Drusus, either because he dared not offend a class which overawed the legislative assemblies, or because the burden of the frumentarian laws was to be borne not by any other class of citizens, but by the state as a whole.[1]

The judiciary law of Drusus carried against the protests of the senate.

The radical projects of reform proposed by Drusus could not fail to raise a storm of opposition; but we have no knowledge of the detail of the struggles that ensued, as all contemporary and immediate sources of information are lost to us. It is but occasionally that a stream of

[1] We are not told how Drusus intended to raise the means for the enormous expense entailed by the distribution of cheap corn. Pliny (*Hist. Nat.* xxxiii. 3, 13) speaks of a measure for debasing the coinage. But such a measure could not have been intended to meet the difficulty, and it would have been utterly inadequate.

light falls on isolated incidents of the time, and enables us, though very imperfectly, to form a conception of the character of those struggles. Thus we are told that Drusus threatened to hurl Cæpio down the Tarpeian rock, if he continued his opposition. The consul Philippus, when interrupting Drusus in a public meeting, was actually seized by one of the tribune's men and dragged to prison from the midst of the assembly with such violence and brutality that blood flowed from his face.[1] The consul bitterly complained to the people that the senate deserted him, and declared that he must have a different senate, if he was expected to maintain order and law. Such charges exasperated of course those senators who were in favour of the reforms of Drusus, and called forth angry recrimination. Crassus delivered a thundering speech in the senate, defending the loyalty of his party from all aspersions, and he produced such an impression on the majority that a formal resolution was adopted, in which the consul's charges against the senate were refuted.[2] At length Drusus carried his point. His proposals on the selection of judges, on the distribution of corn and land, were passed into laws, though in an irregular manner, with the employment of force, against the auspicia and with the violation of the lex Cæcilia-Didia.[3] The senate protested, and declared the laws null and void.[4] But Drusus disregarded this

[1] Val. Max. ix. 5, 2: Parum habuit M. Drusus L. Philippum consulem, quia interfari concionantem ausus fuerat, obtorta gula, et quidem non per viatorem sed per clientem suum adeo violenter in carcerem præcipitem egisse ut multus e naribus eius cruor profunderetur. Aurel. Vict. 66.

[2] Cicero, *De Orat.* iii. 1, 1 ff. The wording of the resolution was: Ut populo Romano satisfieret nunquam senatus neque consilium rei publicæ neque fidem defuisse. This was in truth an empty phrase, to which every senator and every party could without hesitation assent. Nevertheless Cicero talks about it as of a great act of heroism. It was certainly the last rhetorical effort of the great orator M. Crassus; in the words of Cicero, 'illa tanquam cygnea fuit divini hominis vox et oratio.' Crassus died seven days afterwards of a fever which had seized him while delivering that speech.

[3] Above, p. 171.

[4] Liv. 71. Ascon. *in Cornel.* p. 68. Diodor. xxxvii. 10, 3. The circumstantial account given by Diodorus can hardly admit of a doubt that the declaration of the senate was made not only during the tribuneship of Drusus, but actually in his presence, and that he voluntarily abstained from his con-

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protest, and proceeded to take the necessary steps for carrying his laws into execution.

Drusus, the nobles, and Marius.

Whether in his high-handed course he was followed by the moderate party of the nobility, we have no means of ascertaining. On the whole it is probable that they lacked the courage either to join him without reserve, or to disavow him. Their action seems characterized by the same faintheartedness and fickleness which they had evinced with regard to Saturninus and Marius. The name of the latter is never mentioned in all these proceedings, although he must at that time have returned from his journey to Asia.[1] He remained in the background probably because he was disgusted with his ill-success on a former occasion, and rightly felt that the political arena was not the field on which his own personal talents could be most advantageously displayed.

The Roman franchise and the Italian allies.

Drusus had now carried all his measures of reform but one, and this was the most important and difficult of all. He had not yet bestowed the Roman franchise upon the Italians; his year of office was drawing to its end, and the tribuneship of the following year was to be held not by him but by violent opponents of his policy, among them Quintus Varius. The election of these men shows that

stitutional right of intercession. But it cannot be said that his policy in this case was consistent or intelligible. For after having used force and violence to get his laws passed in the popular assembly, how could he look on with indifference, when the validity of these laws was impugned in the senate, and when a resolution to declare their illegality was proposed, which by virtue of his office he could have stopped? The policy of Drusus will appear still more extraordinary if we recollect that Saturninus in a similar position had thought it necessary to secure the senate's assent, or at least to restrain the senate's opposition by forcing upon them an oath in favour of the obnoxious law (p. 159). Could Drusus look upon the senate's protest as of no account, and as not deserving regard or even notice? Could he think that his laws were in no case liable to be invalidated? According to Diodorus himself, this was by no means his view. Diodorus makes him say that the senate itself would have to repent if his laws were set aside, because in that case the tyranny of the knights in the law courts would continue. Taking all this into consideration, we may perhaps be justified in surmising that the statement of Diodorus proceeds on a false assumption or is based on some misunderstanding. Perhaps it refers only to a preliminary informal deliberation in the senate, not to a formal debate and resolution.

[1] Above, p. 168.

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the popularity of Drusus was waning, and that the opposite party was gaining ground. Nor is this difficult to understand. For as soon as the sovereign rights and special privileges of the Roman people came in question, and it was proposed to receive subjects as fellow-citizens, the narrow-minded selfishness of all classes of the old citizens was aroused, and it was easy to represent a statesman as an enemy of the republic and as a traitor, whose views ranged wider and who embraced with his sympathy all the people of Italy. The overbearing pride and self-sufficiency of the Roman citizens attributed by Livy the historian to the consuls of the year 340 B.C.,[1] when the Latins for the first time claimed equal rights, had not long before the present time baffled the efforts of Fulvius Flaccus, 125 B.C.,[2] and now it was again at work with the fatal effect of preventing the peaceful solution of a problem which could no longer be postponed, and thus causing the most terrible and desolating of all the wars that ever afflicted Italy.

Intrigues, calumnies and agitations against Drusus.

The enemies of Drusus, it appears, shrank from no misrepresentation and calumny to deprive him of the confidence of the people. The charge of aspiring to absolute power, though ridiculous in itself and no longer novel, was made once more. He was also represented as a traitor, and dark hints were thrown out about a conspiracy between him and the allies. It was related that the Latins had planned the murder of the consul Philippus, which was to be effected on the occasion of the great Latin festival annually celebrated on the Mons Albanus. It was said that Drusus had been privy to this plan, but had been generous enough to give warning of the danger to his opponent.[3] On another occasion, as was rumoured, ten thousand Marsians, under the command of Pompædius, had been actually on their march to Rome, armed with swords hidden under their clothes, with the intention of surrounding the senate and compelling it by force to grant them the Roman franchise. It was further related

[1] Liv. viii. 5. [2] Vol. iv. p. 421. [3] Aurel. Victor, 66, 12.

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that this body of men was met on the road by a certain C. Domitius, and that Pompædius told him in full simplicity what their intention was, adding that they acted in concert with the tribunes. The Marsians were in earnest, but they were not unreasonable. When Domitius represented to them that they would obtain their object more easily in a peaceful way, as the senate without any compulsion would grant the request of the allies, they turned upon their heels and marched quietly home again.[1] This silly story was evidently invented not by the historians, but by the party which desired to cast suspicion on Drusus, and it was intended to deceive a thoughtless and very foolish public. Yet there were other rumours still more absurd. Our conception of the intelligence and sound sense of the Roman commons receives a severe shock from the story spread about a terrible oath taken by the Italian conspirators, to the effect that they would bind themselves in everything to obey Drusus, and to spare neither their own lives nor their children or parents, if he should require it, all for the purpose of obtaining the Roman franchise.[2] The intention of this and other calumnies evidently was to make Drusus the object of general detestation as an enemy of the genuine republic, as a betrayer of the interests of Rome, and as a possible tyrant.

Sudden death of Drusus.

The situation became more and more critical. The excitement among the Italians grew from day to day. They naturally looked upon Drusus as the only man

[1] Diodor. *Fr.* xxxvii. 13.

[2] Diodor. *Fr.* xxxvii. 11: *Ὀμνυμι τὸν Δία τὸν Καπετώλινον καὶ τὴν Ἑστίαν τῆς Ῥώμης καὶ τὸν πατρῷον αὐτῆς Ἄρην καὶ τὸν γενάρχην Ἥλιον καὶ τὴν εὐεργέτιν ζῴων τε καὶ φυτῶν Γῆν, ἔτι δὲ τοὺς κτίστας γεγενημένους τῆς Ῥώμης ἡμιθέους καὶ τοὺς συναυξήσαντας τὴν ἡγεμονίαν αὐτῆς ἥρωας, τὸν αὐτὸν φίλον καὶ πολέμιον ἡγήσεσθαι Δρούσῳ καὶ μήτε βίου μήτε τέκνων καὶ γονέων μηδεμιᾶς φείσεσθαι ψυχῆς, ἐὰν συμφέρῃ Δρούσῳ τε καὶ τοῖς τὸν αὐτὸν ὅρκον ὀμόσασιν. Ἐὰν δὲ γένωμαι πολίτης τῷ Δρούσου νόμῳ πατρίδα ἡγήσομαι τὴν Ῥώμην καὶ μέγιστον εὐεργέτην Δροῦσον· καὶ τὸν ὅρκον τόνδε παραδώσω ὡς ἂν μάλιστα πλείστοις δύνωμαι τῶν πολιτῶν.* It is not difficult to see that this oath is a pure invention. How could the Italians swear by the gods of the Roman commonwealth, of which they were yet refused the right of citizens? The lie is circumstantial, but not plausible.

capable of upholding their cause, and it is not at all improbable that numbers of them were even now resolved, that if the right they claimed were refused them, they would win it by force of arms. In this anxious time it happened that Drusus on one occasion, when he had been speaking in the forum, had a fainting fit and was taken seriously ill in consequence. Then might clearly be seen the estimation in which he was held by all the people of Italy; for everywhere ardent prayers and vows for his recovery were made, and his adherents gathered round him to protect him from the fate of the Gracchi and Saturninus. All the elements for a terrible outbreak were collected, and a new contest seemed impending, when the leader of the popular party was suddenly smitten down by an assassin or by disease. Before the day had come for taking the votes of the people on the proposed law, Drusus was one evening in the porch of his house in the act of taking leave of his friends, when he suddenly collapsed, struck, it is said, by a dagger, and in a few hours he was a corpse. Whether he was really murdered, and by whom, never appeared: nor has history down to the present day lifted the veil which hides the mysterious end of this mysterious man.[1]

[1] In this as in all similar cases conflicting guesses and statements were naturally made as to the person guilty of the crime; and without a shadow of evidence, the personal or political enemies of Drusus were named as the murderers. Thus Cicero (*De Nat. Deor.* iii. 33, 81) does not scruple to name the tribune Q. Varius, who was known as one of the most active opponents of the extension of the Roman franchise to the Italians. Others charged Marcius Philippus or Cæpio with the deed (Aurel. Vict. 66). These assertions do not even deserve to be examined as to the relative degree of their probability; especially as after all it must appear doubtful whether Drusus was murdered or died a natural death. According to Seneca (*De Brevitate Vitæ*, 6), it was a matter of dispute whether Drusus died by the hand of a murderer or by his own. Other writers imply that he did not die a violent death. Florus, for instance, says (iii. 17, 2): subita morte correptus, and *ib.* 9: Drusum matura mors abstulit. The fact is that Drusus was subject to the falling sickness (*morbus comitialis*), which had once attacked him in the forum. With reference to this incident the absurd report was spread by the enemies of Drusus, that he had himself brought about this fit by drinking goat's blood, in order that his opponent Cæpio might be suspected of having given him poison. (Plin. *Hist. Nat.* xxviii. 9.) Is it possible to imagine anything more silly? There seems

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Exclusive reaction, and passing of a new law of treason.

The death of Livius Drusus put an end to all prospects of a conciliatory policy with regard to Italian allies, and brought about one of those sudden revulsions, so frequent in the internal history of Rome, by which the opponents of the party lately all-powerful were enabled to assume the control of affairs, to punish their enemies, and to repeal or mar their legislative measures. Q. Varius, elected tribune of the people for the year 90 B.C., made himself the tool of this reaction. He brought forward a new law *de maiestate* to widen the scope of the law of Appuleius,[1] and to punish as high treason all secret relations to and transactions with foreign communities. On the authority of this law, and under the protection of the armed knights, who prevented all opposition by force, a tribunal was established for the trial and punishment of all those who, as was alleged, had encouraged the allies to rebellion.[2] Calpurnius Bestia, Aurelius Cotta, Mummius, and many others were found guilty. The court proceeded in open defiance of all formal rights and justice, and relentlessly sent into banishment numbers of the political opponents who appeared troublesome to those in power.[3] It was hoped that by this severity a movement could be suppressed which in consequence of the agitation of Drusus had spread over a great part of Italy. But the effect was the very opposite of what was expected. The

to have been no limit to the gossip and the foolish scandal of the society of that age; and the annalists did not scruple to embody it in their narratives. We should, however, hardly wonder at this, as even Tacitus is not above the same weakness. If we take all the circumstances into consideration, it seems more likely that Drusus died in a fit of apoplexy, than that he was murdered. See Macaulay, *Hist. of Eng.*, ch. iv., on the popular belief of the murder of eminent men.

[1] Above, p. 149. Cf. A. W. Zumpt, *Criminalrecht*, ii. 1, 251 ff.

[2] Appian, *Bell. Civ.* i. 37: οἱ ἱππεῖς Κόιντον Οὐάριον δήμαρχον ἔπεισαν ἐσηγήσασθαι κρίσεις εἶναι κατὰ τῶν τοῖς Ἰταλιώταις ἐπὶ τὰ κοινὰ φανερῶς ἢ κρύφα βοηθούντων, κ.τ.λ.

[3] Auct. *ad Herenn.* ii. 28, 45: Sulpicius qui intercesserat, ne exules, quibus causam dicere non licuisset, reducerentur, idem posterius immutata voluntate cum eandem legem ferret, aliam se ferre dicebat propter nominum commutationem. Non enim exules sed vi eiectos se reducere aiebat. These violent proceedings may be looked upon as a preparation for the Sullanian proscriptions.

fire smouldering in secret was not put out, but fanned into a flame.[1] The remnant of patience and longsuffering which the allies had shown for a great length of time was exhausted; the fiercest animosity was engendered, and the settlement of the pending question was removed from the forum to the field of battle.

[1] The comprehensive and minute narrative of Appian (*Bell. Civ.* i. 37) shows that the commissions for the trial of high treason were not first established by Varius after the actual outbreak of the Social war, as might almost appear from the short notice given by Asconius (*in Scaur.* 22, and *in Cornel.* 73). But it is evident that the trials had commenced before and were continued for some time after the war had begun (Cicero, *Brut.* 89, 305). The very commencement of hostilities by the allies furnished the prosecution with proofs of the guilt of the accused. For some time the Roman arms were expected to put down the rebellion, and so long as that hope lasted, the ruling party would naturally continue to rid themselves of their opponents by prosecutions under the law of Varius.

CHAPTER XIV.

THE SOCIAL WAR.

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Spread of excitement and discontent over Italy.

WITH the failure of the policy of Livius Drusus, 90 B.C., vanished the last hope which the allies might have entertained of obtaining the Roman franchise in a peaceable manner. From the first mooting of this question by Tiberius Gracchus nearly half a century had passed, and in this long period the hopes of a reform so unjustly delayed, and of final deliverance from a condition which had become insupportable, had often been raised and as often been disappointed. Under the impression of the terror caused in all Italy by the threatened invasion of the northern barbarians, the complaints of the Italians had been momentarily silenced; but after the victories of Marius they expected that their grievances would at last receive attention, the more so as Marius and the popular party, which had always befriended them, were now in the ascendant. But again their expectations were doomed to be disappointed. A violent reaction succeeded the fall of Saturninus. But when in Livius Drusus a politician came forward from the ranks of the nobility, like another Gracchus, to take up the cause of the oppressed, the movement among the Italians assumed a different character. Distinct promises were made, engagements were taken, a line of action was proposed which should not only persuade but compel Rome to abandon her old system of exclusiveness. The excitement thus spread over the greater part of Italy was not likely to be allayed by the sudden death of Drusus. The leaders of the party of action among the allies felt that the time had come when a peaceful settlement of the question was no longer

possible, and an appeal to arms was the inevitable consequence.

Circumstances tending to attach the allies to Rome.

It may appear strange that they were so long in coming to this conclusion. The injustice they had suffered was so outrageous, the indignities to which they were exposed were so galling, that we can hardly conceive how men so proud and brave could tamely submit to them so long. It is true they had been reduced to extreme weakness by the crafty policy of the Romans, who had dissolved all the ancient confederations of the Italians. But this isolation of the different communities cannot of itself explain their long submission to Roman supremacy. We must remember that, if the Italians had lost much by their connexion with Rome, they also derived from it considerable advantages, and that in the management of their own local affairs they were left pretty much to do what they liked. They were left in the enjoyment of their own laws and customs; their languages and their national life were not interfered with; they were protected from foreign enemies by a powerful arm; peace and order were secure all over Italy; the foreign expeditions and conquests attracted the warlike youth of all the peninsula, and offered them a share of booty and the prospect of other attractive advantages. Thus the Italians would never have dreamed of being disloyal to Rome if the political rights of the community of which they were *de facto* members had not been persistently denied them. In every township the local nobility had obtained the government through the influence of Rome, which had always been asserted in favour of the aristocracy.[1] They had obtained the use of large tracts of public land, and they had thus been attached to Rome by a double interest. The numerous Latin colonies scattered over Italy had in the course of time spread the institutions, customs, and language of Rome. A large number of Italians was constantly attracted to Rome, and many of them in time returned to their homes. Many causes were thus at work

[1] See vol. i. p. 541.

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to amalgamate Romans and Italians into one homogeneous body. Nothing was wanting but to assimilate the political rights of the two constituent parts of the state. If this had been done in time, and by a peaceful process, such as the more enlightened Roman statesmen designed, the commonwealth might have been built up again on a new and broader basis, and new life would have been infused into the republican institutions.

Causes tending to alienate the allies from Rome.

The movements which no doubt took place in the interior of the Italian communities have not been recorded, or, at any rate, the records are lost to us. But we are no doubt entitled to suppose that in them the same parties existed which we find in Rome, as in every community endowed with political life, parties which are caused by the opposition of high and low, of rich and poor, of aristocracy and democracy. The nobility in the Italian commonwealth, as we have seen, were by their interests closely bound to Rome, which secured their influence and their possessions. Of course they were adverse to any change in the existing state of things as long as their local influence and their possessions were secured to them. Yet there must have been in the Italian nobility, as in that of Rome, some noble-minded and aspiring men who were not swayed merely by calculations of pecuniary interest. Such men must have felt cramped and confined in the narrow sphere which the jealous policy of Rome assigned to them. Whilst the lower class of people, satisfied with material well-being, as is usually the case, smarted less under political disabilities, the more prominent families must have keenly felt the injustice under which they were suffering, as long as men of their class, however distinguished by personal merit, had no chance of rising to any high civil or military office. These were precisely the men who by their frequent presence in Rome were naturally led to institute comparisons between their own legal status and that of Roman citizens, and such reflections could not fail to shake their loyalty. It is possible that the great mass of

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the common people had comparatively little sympathy with those who aspired to political equality with Rome. But though they were not much affected by their political disabilities, they felt very keenly their exclusion from numerous private and economical prerogatives of the Roman citizens, their subjection to the severe martial law of Rome, the unfair division of booty and other gains of war, and their exclusion from colonies and assignments of land.

State of feeling among the Sabellian tribes and the Etruscans.

Whether in consequence of these different grievances of the two classes they were induced to act in concert for attaining a common end, or whether in some places the democratic party obtained the preponderance and carried the aristocracy with it, we are not enabled to decide with any degree of certainty. It appears that, on the whole, among the Sabellian races, where the small independent peasantry was most intact, the whole population with few exceptions unanimously pursued the same end, the realisation of full equality with Rome. On the other hand, we can see clearly that in Etruria and Umbria the movement was held down, apparently by the local nobility, which was in these parts most influential, until the spirit of revolt gained ground towards the end of the first year's campaign, in consequence of the Roman reverses. But, as we have seen, the meagreness of our information prevents us from examining the details of the internal divisions among the Italians.

Vital nature of the struggle.

Nowhere so much as in this part of the history of Rome have we to regret the loss of the greater part of Livy's grand work. The scanty summaries of the lost books and a most superficial narrative of Appian, full of blunders and oversights, together with the chronicle of Orosius and a few fragmentary scraps from Diodorus, compose all the original sources from which we are obliged to piece together a picture of this most memorable of all the struggles of the Roman republic. A connected narrative is therefore absolutely impossible. The isolated facts, casually preserved, yield scarcely more than a

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general impression of the course of the war. We might be inclined to pass them over altogether as undeserving special study. But they show nevertheless that Rome never was so near her destruction as in this war, and that her downfall was averted not by the heroism of her citizens, as in the war with Hannibal, but by a reversal of that policy of selfish exclusion and haughty disdain, a reversal forced upon her by a series of defeats. The final issue of the war confirmed the justice and the wisdom of the reforms planned by the Gracchi and by Livius Drusus.

Composition of the contending forces.

The Italian communities which joined together in the war with Rome were all of Sabellian race. We meet here again the old familiar names of the Samnite wars; the Marsians, Pelignians, Samnites, Marrucinians, Vestinians, Hirpinians, Picentians, Frentanians, Lucanians, and the various tribes of Apulia. All these had their seats in the north-east, east, and south-east of Rome, in the central mountain-range of Italy, in the plain along the Adriatic Sea, and in the whole breadth of the southern part of the peninsula. They surrounded Rome in a wide semicircle, and thus compelled her to split up her forces in order to confront her enemies on three sides. On the side of Rome were ranged first the citizens of the thirty-five tribes, then all the Roman and Latin colonies, the Greek towns along the coast of southern Italy, and lastly the Etruscans and Umbrians. But Rome disposed moreover of all the resources of the provinces from which auxiliary troops and supplies were drawn, and she could make use of the whole naval force of the republic, which, on a line of coast extended like that of Italy, might be of the greatest advantage. To what extent the Romans availed themselves of the services of their fleet we do not know. It is not altogether improbable that they made little use of it, as at the time of the outbreak of the war it was probably in a neglected condition, and as means were wanting to fit it out in proper style. Yet the Greek cities of Italy, Sicily, Greece, and Asia, as well as Mas-

silia in Gaul and Utica in Africa, would no doubt have been able to place ships at the disposal of Rome, if the Romans had paid that attention to naval operations which the circumstances of the time seemed to demand. Thus then perhaps the dearth of historical records for the Social war is not the explanation of the fact that maritime operations are never mentioned in the scanty notices which have come down to us. If, on the other hand, very little mention is made of the employment of auxiliary forces drawn from the provinces,[1] we have good reason to know that no inference should be drawn from this silence as to any reluctance of the Roman government to avail themselves of such help. We have had frequent occasion to point out the national weakness of the Roman annalists, who thought it derogatory to Roman dignity to mention military services rendered by foreign auxiliaries, and therefore frequently suppressed the truth.[2]

The aims and method of the allies.

From a strategical and political point of view Rome had a great advantage over the scattered Italians, in her central position and in her old and tried institutions, which secured unity of action. The great importance of the former has been pointed out before.[3] The advantages of a firmly established civil organization are self-evident, especially in a conflict with a confederation of many states which had only just been formed under the stress of necessity, and had no natural and permanent coherence and no historical centre. After the Italians had once taken up arms against Rome, their object could no longer be to conquer for themselves the right of Roman citizenship. They could not wish to force their way within the precincts from which they had been excluded, and then as conquerors to settle down as fellow citizens by the side of their defeated enemies. On the contrary they aspired to establish a separate community for themselves. In fact, their rebellion against Rome was nothing else than a

[1] Plutarch, *Sertor.* 4. Besides Gauls we find only Numidians, Mauretanians, and troops from Pontus mentioned as employed in the course of the war.

[2] See vol. i. p. 275.

[3] Vol. ii. p. 462.

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secession on a larger scale, but still a secession in the spirit which animated the ancient plebs, when they encamped on the Sacred Hill. The state which they wished to form could, under the circumstances, be only a confederation. Their proceeding was therefore a retrograde step, from the centralised state built up by the Romans, to the old national league, such as it had existed in primeval times in every part of Italy, in Latium no less than among the Sabellian races. These leagues had never been firm and durable political ties. They were formed for mutual protection, and served hardly any other than military purposes. No doubt the Italians had learnt under the supremacy of Rome to aspire to more, but for the present military exigencies were alone of importance, and their chief care was directed to a military organization. They proposed to elect annually two federal chief captains after the model of the Roman consuls, and to place by their side a senate of five hundred members. How these captains and senators were to be elected we are not informed. The Italians were in a situation differing essentially from that of the Roman republic. Whereas the latter had grown and spread from the given centre of the capital, which itself had become great and populous with the gradual expansion of the outer boundary, the new Italian confederation existed before it had a capital and a centre, and its first task was to create one artificially.

Projected capital of the Italian confederation.

In choosing for this purpose the town of Corfinium, situated in the midst of the mountain tracts of the Pelignians, eastward of Lake Fucinus, the Italians were determined apparently by the comparative seclusion and difficulty of access, a consideration which the primary importance of safety might justify, but which overlooked the fact that the capital of an extensive country must not be hidden away in a corner. The name of Corfinium was significantly changed into Italica.[1] It was to become henceforth the rallying point of the genuine Italian

[1] Strabo, v. 4, 2.

people and the seat of a new state, no longer Roman but Italian. We are not expressly informed whether it was the intention of the confederation to expand Italica after the model of Rome, so that popular assemblies could be held there, like the Roman comitia, for the exercise of the sovereign rights of the confederated Italians, or whether the new confederation was intended to exercise its legislative functions through delegates. The latter idea, which was altogether alien to the conceptions of antiquity, could scarcely have presented itself to the Italians. They were no doubt impressed with the prevailing conviction that the sovereign rights could be exercised directly only by the people at large. In that case the insufficiency of the new organization is still more apparent, and the radical faults connected with the legislative assemblies at Rome would have been repeated on a magnified scale. In Rome itself there was at least a vast population containing a considerable proportion of the total of Roman citizens; and great numbers of those who were settled in the country, tribes even at great distances from the capital, were from time to time drawn to Rome by business or pleasure, so that the assemblies in the Forum or the Campus Martius might to some extent be looked upon as a fair representation of the people. But how could a mountain city like Corfinium ever attract either a permanent or a temporary population in any way entitled to act for all the allied communities?

The leaders of the allies.

For the moment, or at least as long as the war lasted, such defects and difficulties might be disregarded. It might be hoped that, independence and peace having once been secured, the internal organization of the new state might be completed at leisure. The first duty now was to collect armies and to place tried commanders at their head. This was done, no doubt without much preliminary discussion and in the readiest way, each allied state acting independently, arming the fighting men and placing the contingent under officers designated as competent by the general confidence. There was no lack of

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able leaders, for the Roman service had been a good school for training officers as well as men. The leaders mentioned were the Marsian Quintus Pompædius Silo and the Samnite Caius Papius Mutilus. These two were acknowledged as commanders-in-chief, or as the consuls of the new league. Subordinate commands were entrusted to Marius Egnatius, the Marsian Vettius Cato, the Lucanian Marcus Lamponius, the Picentian Caius Judacilius, the Marrucinian Herius Asinius, and a few more, all of them, no doubt, men who had rendered important services in the wars with Numidians and the Cimbri and Teutones, but who had, owing to their political status, been confined to the lower grades, and whose names had never been mentioned in the reports of the Roman generals.

Surprise of the Roman government on the outbreak of the war.

Whilst the reforms of Livius Drusus were agitating Rome, the attitude of the allies could not fail to create uneasiness and anxiety. It was felt that there was something brewing; messengers were known to come and go, secret meetings and conspiracies were reported or surmised, and it was generally felt that some of the most prominent men of the nobility were no strangers to these doings. The revolt of Fregellæ,[1] thirty-five years before, had shown that an armed rebellion was not beyond the range of possibility. Nevertheless the Roman government, as usual, was negligent in action; it was taken by surprise and totally unprepared, when on a sudden the rebellion broke out.

Murder of the proconsul Servilius at Asculum.

The plans of the Italian malcontents were not yet completely matured, when the Roman proconsul Q. Servilius, who had been deputed to the town of Asculum in Picenum, was informed that hostages had been secretly sent from this town to another Italian town. He guessed rightly that these hostages were intended to be a pledge of mutual fidelity in some projected common enterprise of a treasonable character. In threatening and defiant language he reprimanded the people of Asculum as they were collected for the celebration of some festival,

[1] Vol. iv. p. 422.

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but his threats failed to produce the desired effect. Instead of cowing and intimidating the people of the town, they stimulated them to open and sudden resistance. In an immediate outbreak of popular fury the proconsul, his legate Fonteius, and all Roman citizens residing at Asculum were murdered.[1]

Rising of the Sabellian tribes.

The tragedy of Asculum was the signal of a general insurrection of all the Sabellian Italians, though it had not been their intention to commence action so soon. The force of events now compelled them to it, and to take up their position in the impending struggle. But before formally declaring war they once more endeavoured to obtain their rights by sending an embassy to Rome and laying their claims before the senate. The reply to this message was a blunt refusal, ending with the haughty warning not to send another embassy, unless they were prepared to confess their contrition for what they had done.[2] At the same time, on the motion of the tribune Q. Varius, a judicial commission was appointed for the prosecution and punishment of those members of the Roman nobility who had favoured the cause of the allies, or, in the terms adopted by the prosecution, who had stirred up the allies to rebellion. This was the style in which the haughty spirit of Rome rejected the just demands of her longsuffering, over-patient allies. Before another year had passed this spirit, humbled and broken by an unexampled series of defeats, was changed almost to pusillanimity, and Rome, under compulsion and ungraciously, surrendered what the allies had in the beginning been prepared to receive as a boon.

Attack of Alba and Æsernia by the allies, who capture Venusia.

With wonderful unanimity and resolution the confederates began the war. Their first object was to get into their possession by force or treason the various Latin colonies scattered over their territory for keeping them in

[1] Appian, *Bell. Civ.* i. 38. Velleius, ii. 15. Diodor. xxxvii. 13: Σερουίλιος οὐχ ὡς ἐλευθέροις καὶ συμμάχοις ὁμιλῶν, ἀλλ' ὡς δούλοις ἐνυβρίζων καὶ φόβων μεγάλων ἀπειλαῖς παρώξυνε τοὺς συμμάχους ἐπὶ τὴν καθ' ἑαυτοῦ κα -ῶν ἄλλων τιμωρίαν.

[2] Appian, *Bell. Civ.* i. 39.

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subjection. Three of the most important of them were Alba in the country of the Marsians, close to the Lake Fucinus, Æsernia, near the sources of the Volturnus, and Venusia in Apulia. The former two commanded the approaches from Rome into the mountainous region occupied by the Marsians and Samnites; the third stronghold secured the possession of the Apulian plain. All these towns were isolated, and could not expect any assistance from Rome in this sudden emergency. Yet Alba and Æsernia resisted successfully the attacks of the insurgents during the winter of 91 B.C., whilst Venusia fell into their hands. How the strong and populous colony of Venusia was lost we cannot tell. It is impossible to suppose that the Latin colonists betrayed the town and joined the enemies of Rome, for all the Latin colonists remained loyal. But it is possible that the original inhabitants of the place, or a garrison consisting of Italians, rose against the Latin colonists, and, overpowering them, handed over the town to the besiegers.

Occupation of Canusium and other towns by the allies.

Venusia was not the only place lost to Rome. The Italians also obtained possession of Canusium, near the river Aufidus, and of a number of other places. It is probable that in many of them there was a party of Roman sympathizers, who on this occasion were put down and either expelled or killed. An illustration of this state of things is offered by the small town of Pinna in the country of the Vestinians. This place was bravely defended when it was attacked by the insurgents; nor were the defenders intimidated even when the besiegers put to death before the eyes of their parents a number of children, probably hostages in their possession. We see from this incident that the Romans were not without adherents among the allies, and that a party among the latter disapproved of the insurrection. Unfortunately we are not informed to what extent this division among the allies was produced by the hostility between the local aristocracy and the common people. Perhaps we are justified in assuming that as a rule the democratic party in the Italian towns was eagerly in favour of a separation

from Rome, and that this party on the whole greatly preponderated; or that, if not everywhere dominant at first, it obtained the upper hand in course of time.[1]

Early advantages gained by the allies.

The events hitherto related took place in the winter months 91–90 B.C., during which time Rome was still unprepared. She had allowed herself to be taken unawares as on so many previous occasions, although there had been no lack of premonitory signs of impending revolt among the Italian allies. Thus it happened that the latter gained at the outset an important advantage which considerably influenced the whole course of the war.

Plans and tactics of the Romans.

As the insurgents had no intention of conquering and subduing Rome, but aimed only at separation from her, it followed that their natural course was a defensive warfare, the more so as the mountain regions of central Italy supplied the most favourable ground for defence. The Romans on the other hand were by the nature of things compelled to adopt the offensive; they had to bring relief to the besieged Latin colonies and to reduce the insurgents to obedience. In order to do this at the same time in all directions they divided their forces into a number of detached bodies, and began the advance simultaneously on the whole line from the extreme northern point in Picenum to Lucania in the south.

The Roman forces and their commanders.

The total strength of the Roman armies is reported to have amounted to one hundred thousand men. Whether in this number are included the foreign auxiliaries, such as Gauls, Numidians, and others, we do not know for certain; but it is unlikely that they were included; for in this case Rome would not have brought into the field more than the Italian confederates, whose strength is also reported at the same figure of one hundred thousand. Lucius Julius Cæsar, the consul of the year 90 B.C., and under him, as legates with proconsular power, Sulla, Publius Lentulus, Titus Didius, Licinius Crassus, and Marcus Marcellus, commanded in the south; Rutilius Lupus, the other consul, in the north, and under him the

[1] Diodor. xxxvii. 20.

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legates Marius, Cneius Pompeius, father of the triumvir, Quintus Cæpio, Caius Perpenna, and Valerius Messala. Opposed to these Roman generals there were on the southern theatre of war Caius Papius Mutilus, and on the northern Quintus Pompædius Silo, each with six officers under his command.

Defeat of the consul L. Julius Cæsar on his march to the relief of Æsernia.

The hostilities began in the south by an attempt of the consul L. Cæsar to penetrate from Campania along the valley of the Volturnus into Samnium, just in the same way as two hundred years before the Roman legions had been used to do. Near the sources of the Volturnus and close to the watershed between the two seas was the Latin colony of Æsernia, which commanded the road into the interior of Samnium. This was one of the most important military posts, and it was therefore closely besieged by the Samnites. Cæsar approached from Campania in hurried marches to bring relief to Æsernia, and then to push on from this place into Samnium. But before he had even reached Æsernia he was met by a Samnite army under the command of Vettius Cato and completely defeated, losing two thousand men and being compelled to retreat in full haste.

Seizure of Venafrum by the Italian leader Marius Egnatius. Second defeat of Cæsar.

Meanwhile, as it seems, another Italian general, called Marius Egnatius, breaking forth, as is probable, past Bovianum, had succeeded in obtaining possession by treason of the important town of Venafrum in the rear of the consul's army,[1] thus cutting off his retreat and compelling him to fight under most unfavourable circumstances. Cæsar was again defeated, and at last reached Teanum in the vicinity of Capua,[2] after having suffered severe losses and having entirely failed in the object of his expedition. He was obliged to remain stationary in Campania until he received reinforcements which enabled him to repair his shattered army and to prepare them for another campaign.[3]

[1] Appian, *Bell. Civ.* i. 41.

[2] Appian, *Bell. Civ.* i. 45 : καὶ ἐνταῦθα τὸ πλέον τῆς στρατιᾶς ἀπολέσας καὶ τῶν πολλῶν τὰ ὅπλα μόλις ἐς Τεανὸν καταφυγὼν ὥπλιζε οὓς ἔτι εἶχεν ὡς ἐδύνατο.

[3] Appian (*Bell. Civ.* i. 45) relates this in the wrong place, assigning it to the

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Thus Cæsar's attempt to invade Samnium had failed. A similar fate befell Licinius Crassus, who had marched from Campania in a southerly direction towards Lucania. He was defeated by Lamponius, and shut up with the remnants of his army in Grumentum in the centre of Lucania.

Defeat of Licinius Crassus

By the failure of these two Roman expeditions the Samnites were enabled and tempted to assume the offensive and to break forth from their mountains into the plain of Campania. This fertile district was of the greatest importance to Rome on account of the revenues it yielded to the public exchequer, and still more by its geographical position between Latium and Lucania. The enemy, in possession of Campania, could cut off Rome from the whole of southern Italy, which could in that case be reached only by sea. Unfortunately Campania was almost entirely and very quickly lost. Caius Papius Mutilus, one of the chief commanders of the confederates, obtained by treason possession of the important town of Nola, where two thousand men of the garrison, probably a contingent of allies, went over to the insurgents and killed Lucius Postumius and the other officers.[1] This was the signal of a general collapse of Roman authority in Campania. Almost all the other towns, such as Stabiæ, Minturnæ, Salernum, Literum, Pompeii, and Herculaneum, fell, mostly by voluntary surrender, into the hands of the Samnites, who now proceeded to lay siege to Acerræ, a town lying in the midst of a triangle formed by Nola, Capua, and Neapolis.

Occupation of Campania by the allies.

Meanwhile L. Cæsar had reinforced and reorganized his army,[2] and advanced from Teanum to the relief of Acerræ. He had under his command some Numidian horse.

Desertion of Numidians from the Roman

time which followed the fighting about Acerræ, which he had by mistake mentioned (i. 42), but which he again speaks of (i. 45) in the right place. It is clear that between Cæsar's expedition to Æsernia, on which he was twice beaten and driven back to Teanum, and his fighting about Acerræ, a considerable pause took place, during which he reinforced and reorganized his army, and in which, moreover, according to Appian (i. 45), he suffered from an attack of illness.

[1] Appian, *Bell. Civ.* i. 42.

[2] See above, p. 202, n. 3.

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army at the sight of Oxyntas, son of Jugurtha.

As soon as the enemies had knowledge of this, they caused a son of Jugurtha, named Oxyntas, who had fallen into their hands in Venusia, to show himself to these troops, attired in the full ornaments of a Numidian king. The consequence was that the Numidians deserted in crowds to put themselves under the orders of the son of their late idolized sovereign as their natural and legitimate chief. Cæsar was obliged to send home troops so unsafe, and felt himself unable to dislodge the Samnites from their position before Æsernia, or to relieve that place. But when the Samnites, elated with their success, attacked his camp, he succeeded in driving them back. This was the first victory thus far achieved by the Roman arms in the course of the war. It was not very great, but the news was received in Rome with such feelings of relief and hope, that it was magnified into a glorious exploit. As a demonstration of returning confidence the war-dress (*sagum*), which had been assumed on the outbreak of hostilities, was exchanged again for the toga, the usual garment in times of peace. It may not be unfair to suppose that this demonstration was really intended to calm and reassure the public mind, and to gratify the consul with a modest substitute for a solemn triumph. At any rate no great rejoicings were justified, for in the military operations no decided improvement was as yet apparent. The lost towns of Campania remained in possession of the enemy, and after a prolonged and brave resistance Æsernia was at last compelled by hunger to surrender.[1] Venafrum also was betrayed into the hands of the insurgents, and on this

[1] According to a statement found in Orosius (v. 18) alone, Sulla relieved Æsernia with twenty-four cohorts. If this is true, it can have had no influence on the final fate of the town, which, as we have seen, was obliged to surrender. Frontinus (*Strateg.* i. 5, 17) relates that Sulla marched upon Æsernia, but was surrounded in its vicinity by Mutilus, and managed to escape unhurt in the night by a stratagem, or rather by delusive offers of peace or armistice. Is it possible that an instance of this dishonourable practice should have been transformed in the hands of a Sullanian eulogist into a victory?

occasion the garrison, consisting of two Roman cohorts, was put to the sword.

Thus, the Samnites had obtained possession of the greater part of Campania, and by their occupation of the towns on the coast were enabled to prevent the transmission of supplies by sea to the Roman armies. The danger was not very distant, that the insurgents would push their conquests along the coast into Latium. In this case Rome itself might have been cut off from the sea and exposed to the miseries of famine. To meet this danger the Roman government proceeded in all haste to levy a body of troops consisting of freedmen, and to send them to garrison the towns on the Latin coast from Ostia at the mouth of the Tiber to Cumæ. It is probable that at the same time something was done for the fitting out of a fleet, for in the year following we actually hear something of naval operations on the coast of Campania.[1]

Loss of Apulia by the Romans.

Meanwhile Apulia also was lost to Rome. The communication by land was cut off by the advance of the Samnites into Campania, and the Roman fleet was apparently not yet in a fit condition to be used.

Failure of the Roman attempt to relieve Alba.

Whilst thus in the southern theatre of war the Roman attack upon the insurgents not only failed but was actually changed into an attitude of defence with hardly a single gleam of hope, the Roman successes in the central part of the line were not any greater. Here their first object was the relief of Alba on the Lake Fucinus, which just like Æsernia was besieged by the enemies immediately on the breaking out of the war. The consul Rutilius was entrusted with this task, and set to work in conjunction with the legates Perpenna and Marius. Perpenna was totally defeated at the very outset of the campaign, and the remnants of his troops were joined to the force under Marius. Rutilius was now impatient to advance, but Marius is represented as having insisted on delay, because, as he said, the enemies would soon begin to suffer from the want of supplies. If we are correctly informed, the

[1] Comp. Mommsen, *Röm. Gesch.* ii. 235, note.

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censures directed against Marius on account of this attitude were perfectly legitimate. For apart from the undignified timidity which was openly acknowledged by such an over-cautious plan of operations, even if the supposition on which it was based were correct (a fact which may be doubted), it was evidently the imperative duty of the Roman generals to strike down the insurrection with rapid and weighty blows, and thus to prevent its spreading over a larger area when once the way of reconciliation had been abandoned. More especially it was the imperative duty of the army of Rutilius and Marius to hasten to the relief of Alba, which surely could not be saved by delay and inaction.

Defeat and death of the consul Rutilius.

Rutilius accordingly insisted upon an immediate advance, and Marius, in his position of legate, was obliged to obey. But he seems not to have acted cordially with his superior in command. The Roman army in two detachments, commanded respectively by Rutilius and Marius, at some distance from each other, was posted along the course of a river, probably the Tolenus,[1] which crosses the Via Valeria, the direct road from Rome to Alba. On the opposite side of the river stood the Marsian Vettius Cato, who seems to have been an enterprising and at the same time prudent general. Both Rutilius and Marius had bridged the river, but whilst Rutilius with his forces crossed it, Marius remained immovable in his position, not venturing, as it would seem, to attack the camp of Vettius Cato, which was pitched opposite his own. The Marsian captain utterly outmanœuvred the veteran master of war. Leaving behind in his camp a small guard to deceive Marius, he secretly marched out with his main body and occupied a favourable position near the bridge of Rutilius, and when the latter had crossed the river in the expectation that the enemy was being kept in check by Marius, he was suddenly attacked by Cato, utterly routed,

[1] Ovid (*Fast.* vi. 565) names the date, June 11, and the right name of the river. This is also given correctly by Orosius, v. 18, whereas Appian erroneously calls it Liris (App. *Bell. Civ.* i. 43).

and driven back across the river with the loss of eight thousand men. The bodies of the slain or drowned Romans floating down the Tolenus were the first warning which the cautious Marius received of his colleague's disaster and of his own mistake. In the engagement the consul Rutilius was himself mortally wounded, and died soon after.

Retreat of the Marsians.

Marius now crossed the Tolenus and stormed without difficulty the hostile camp, which was almost undefended, thus preventing Cato from returning to his old position. Thereupon the Marsians retired. Perhaps they were not strong enough to attack Marius, or hoped to draw him into some ambush. In this, it is true, they failed, for Marius was too wary a veteran to be caught so easily; but they had at any rate foiled the plan of the Roman advance and prevented the relief of Alba.[1]

Fresh defeats of the Romans.

After the death of the consul Rutilius, Quintus Cæpio was joined in command with Marius, and the task allotted to the two was probably the carrying out of the original plan of the campaign, the relief of Alba, which, though it had failed for the present, was not given up. Marius again played the same game of hesitation, whilst Cæpio was impatient to advance upon the enemy and to try a decisive blow. It is evident from the dissensions among the Roman generals and their backwardness in supporting each other, that there was at the centre of the government no directing and controlling mind. The consequence was defeat upon defeat. Cæpio was drawn into an ambush by the Marsian Pompædius Silo, one of the two Italian 'consuls;' his army was completely defeated and himself slain.[2] Again the remnants of the beaten army were placed under the command of Marius, whose caution seemed almost to be justified by the disasters of his colleagues. He had now a still stronger motive for

[1] We are not informed whether Alba continued to resist, or was captured by the Italians in consequence of their victory on the Tolenus. Comp. p. 213, note.

[2] The story which Appian (*Bell. Civ.* i. 44) relates of the manner in which Cæpio was outwitted is too silly to deserve attention.

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persisting in it, and when he was repeatedly attacked by the united Marsians and Vestinians, he kept his ground victoriously.[1] This was the only success of which he could boast, but surely this was not enough for beating down the insurrection. It seems evident that Marius was no longer the man he had been. He was now sixty-six years old; his bodily vigour was reduced, whilst he had become fat and heavy. He was considered by the general opinion as used up. Nor were this judgment and the universal condemnation of his conduct in the war unjust.[2] At the end of the campaign he returned to Rome, where he remained without public employment in the following year. Whether this inactivity was voluntary, or whether he could not obtain another command, must remain uncertain. Perhaps he was already engaged in his schemes and plans for obtaining the consulship for the seventh time; and he may have thought that, to show his military genius, he ought to be supreme in command, not the subordinate of inferior men. His star was evidently paling, and it would have been lucky for him and the republic if his life had now come to an end.

Inactivity of Sulla.

Not only Marius, but also Sulla his great rival, failed to distinguish himself in the first year of the Social war. His name is hardly mentioned. It is possible that he had no opportunity for exhibiting his great military genius.

[1] We obtain little information of the character of these fights from the words of Livy's epitome (Liv. 73): C. Marius prælio Marsos fudit, and (Liv. 74): C. Marius cum Marsis dubio eventu pugnavit. Appian (*Bell. Civ.* i. 46) relates an odd camp story which possibly is meant to refer to these events. He says that Marius defeated the enemies and pursued them up to a vineyard; that thereupon Sulla, on the other side of the vineyard, set upon the fugitives and killed many thousands of them. This improbable and scarcely intelligible story seems to have been invented for the glorification of Sulla at the expense of Marius. But the inventor must have been ignorant of the fact that Marius and Sulla commanded at two different parts of the theatre of war.

[2] Plutarch, *Mar.* 33. On this occasion an anecdote is related which illustrates the hesitation and caution of Marius. Pompædius Silo, impatient to come to a decision, is said to have called upon Marius to give him battle, and to show that he was a good general, whereupon Marius is said to have replied that Silo should compel him to fight against his will, and thus show that he was the better general.

He was obliged to wait for his day, and that was soon to come. CHAP. XIV.

Operations in Picenum.

We have now to direct our attention to the northern theatre of war, and to note what course events took in Picenum. It was here that the flame of civil war had first broken out. The murder of the Roman lieutenant and of other Roman citizens in the town of Asculum [1] had been the signal of open rebellion, and the first military measures of the Romans were naturally directed against this town. Fortunately for the insurgents Asculum, a town placed on a steep eminence at the meeting of two rivers, was a place of great natural strength, and it was defended with the courage of despair. The Roman officer entrusted with the operations in Picenum was Cn. Pompeius Strabo, the father of the great Pompeius, a man of considerable ability, and especially distinguished by firmness and perseverance. He was opposed by three bodies of insurgents, under Judacilius, Lafrenius, and Ventidius, who probably disposed of a far superior force. He was accordingly beaten and compelled to shut himself up in the small fortress of Firmum on the Adriatic Sea. Here he was besieged by Lafrenius whilst the other two insurgent leaders were engaged elsewhere. Curiously enough, we do not hear of reinforcements being sent to Pompeius by means of the fleet. The Roman fleet was evidently not in a serviceable condition.[2] Nevertheless Pompeius was not left to his fate. A force under Sulpicius, which had had a successful encounter with the Pelignians,[3] marched to his assistance. Pompeius now sallied forth from Firmum, threw himself in conjunction with Sulpicius upon the besiegers, who, attacked in front and rear, were totally routed and driven back upon Asculum. This was the first real noteworthy triumph of the Roman arms in the whole war; but this triumph, far from delivering an important hostile town into their hands, only made it possible for them

[1] Above, p. 198. [2] Above, p. 194.

[3] The commencement and the plan of the operations of Sulpicius are entirely unknown to us.

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to commence the siege. Nevertheless this victory also, like that of L. Cæsar,[1] was celebrated in Rome with great demonstrations of joy and gratitude, and it was made the occasion for resuming the honourable distinctions and official robes which had been put off in the beginning of the war by the magistrates and senators.

Relative position of the combatants.

Thus the first year of the memorable civil war passed away, and the Romans, on surveying the whole sad scene and drawing the sum total of what had been accomplished, were forced to come to the conclusion that their prospects were indeed very dismal. Nowhere had the Roman legions justified by great deeds of arms the defiant language of the senate. Instead of being broken, the resistance of the confederated Italians was now completely organized, they were victorious in the field, and from the defence had passed on to the attack. Nor was this all. Among the various peoples and communities which had hitherto preserved their loyalty, the spirit of rebellion began to awaken, especially in Umbria and Etruria, two districts which hitherto had covered the left flank of the Roman lines.[2] It was considered necessary to adopt precautionary measures and to send two detachments under Cato and Plautius to the north.[3] Who could be sure that in the end the Latins also might not waver in their obedience: for their case was, in truth, the same as that of the other allies. Nay, being in closer union with Rome, and many of them of Roman blood and parentage, they had even

[1] Above, p. 204.

[2] Appian, *Bell. Civ.* i. 49: Τυρρηνοὶ καὶ Ὀμβρικοὶ καὶ ἄλλα τινὰ αὐτοῖς ἔθνη γειτονεύοντα πάντες ἐς ἀπόστασιν ἠρεθίζοντο. Appian does not speak of actual insurrection. Yet it is not improbable that isolated acts of resistance took place, for mere discontent would hardly have been noticed.

[3] It does not appear that any serious hostilities took place, for when towards the end of the year the Marsians despatched an army of fifteen thousand men to Etruria, the danger of a common action of the insurgents with the Etruscans and Umbrians was already removed. (See below, p. 213.) If Livy (74), Orosius (v. 18), and Florus (iii. 18), speak of bloody victories over Etruscans and Umbrians, they can only have indulged in the usual exaggerations so familiar to Roman annalists. To what extent these exaggerations could go is shown by Florus, who names among the enemies of Rome the 'whole of the Latins' (omne Latium); though, as is well known, the Latins as a body never rebelled.

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greater grievances, and they must have felt their exclusion from the privileges of Roman citizens more keenly. That this feeling might at any time break out into open rebellion had been shown by the rising of the Latin colony of Fregellæ[1] not many years before, when Rome was not exhausted and almost overpowered, as she was now, by a formidable confederation. But even if the Latin towns should not sympathize with the insurgents, there was great danger that some of them, taking into consideration their isolated position in the midst of hostile regions, might for their own security think it safer to join the insurgents than to wait for the distant and uncertain help from Rome.

Dangers beyond the borders of Italy.

These were the dangers gathering in Italy. But even beyond the confines of Italy the prospect was not bright. Alarming news arrived from the provinces. In Gaul the Salluvians, the neighbours of Massilia, had rebelled; disturbances had broken out in Spain; and in Asia, Mithridates, king of Pontus, began to draw upon himself the suspicion of the Roman government. Though the name of this man had not as yet that terrible sound which it acquired in the course of a few years, yet his aspiring ambition must have been known, and the Romans felt that he must be jealously watched as the close neighbour of the rich province of Asia, whose resources were now more than ever indispensable to the Roman treasury.

Resolution of the senate to adopt a conciliatory policy.

Under these grave circumstances the Roman senate showed that the safety of the state was of more importance in their opinion than the maintenance of their principles and favourite opinions. As in the time of the first secession of the plebs, and in so many other crises of the internal constitutional struggles, the leaders of the government now resolved to yield to the force of political necessity, to give up an untenable position which they had occupied from shortsightedness and prejudice, and to sacrifice the principle for which they had so obstinately contended.

[1] Vol. iv. p. 421.

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Extension of the Roman franchise to all Italian allies who had not shared in the revolt.

Accordingly the consul L. Julius Cæsar, on his return from Campania, proposed a law that the Roman franchise should be given to the Latins and to all the other Italian communities which, up to this time, had remained faithful. By this wise resolution the conflagration was prevented from spreading further. The loyal Latins, the Greek towns, and above all the Etruscans and Umbrians, who were already beginning here and there to waver, were now firmly rivetted to Rome; the state, shaken in all its parts, was placed on a broader foundation. Nor was the law of Julius Cæsar the only political measure calculated to reconcile the Italians. In order that even those allies who had already taken up arms against Rome might be induced to return to their allegiance, another law, the lex Plautia Papiria, proposed that every Italian who, within a term of sixty days, should signify to any Roman magistrate his intention of becoming a Roman citizen, should at once be enrolled as such. This measure scattered among the insurgent ranks the seeds of discord and dissolution. If the offer of the Roman franchise was accepted by any considerable portion of the Italians, their league was broken, for it was open to every separate community, nay to every individual man, to make peace with Rome. There had been from the first a moderate party, whose object never went so far as a total separation from Rome, but which aimed rather at a closer union with her, and had only been compelled by Rome's refusal to take up arms. These men were now in a position to face the irreconcileables,[1] who, embittered by their wrongs and elated by their success, were now bent on the humiliation of Rome, or went even so far as to desire her destruction.

Second year of the war. Defeats of

The effect produced by the Roman concessions soon became evident in the second year of the war (89 B.C.) by the improved aspect of military affairs. The two consuls

[1] That these parties actually existed must be admitted from the nature of things. Besides, several traces point to it, *e.g.* the attitude of Pinna (p. 200), the occurrences in Asculum towards the end of the siege (below, p. 214), and especially a fragment of Dio Cassius, 98, 3, ed. Dindorf, p. 139.

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of the year, Cn. Pompeius Strabo and M. Porcius Cato, attacked from two sides the principal seat of the hostile power, the country of the Marsians and their neighbours the Pelignians, Vestinians, and Marrucinians. The Marsians, whose prominent part in the whole insurrection is sufficiently marked by the circumstance that the war was called after them the Marsian war, were repeatedly beaten by Porcius Cato, who had taken up the position previously held by Marius.[1] Cato having fallen in an attack of the hostile camp—the second Roman consul within less than two years—the command was taken by his legate Sulpicius, who penetrated victoriously into the country of the Marrucinians and actually reached the Adriatic Sea.

the Marsians.

It seems that this decisive success was due partly to the circumstance that the Marsians had left their country defenceless by despatching an army of fifteen thousand men into Umbria for the purpose of spreading the revolt there and into Etruria. But as the grant of the Roman franchise had just been made in time to preserve these peoples in their allegiance,[2] the Marsian forces met with scanty sympathy and were compelled to fall back. On their retreat they were attacked by Pompeius, routed, and dispersed amongst the inhospitable mountains, where they almost all perished from fatigue, want, and cold.

Destruction of the Marsian forces.

Pompeius completed his victory by penetrating from the north into the country of the Marsians and Vestinians, whilst his colleague Porcius Cato, and after his death his legate Sulpicius, invaded it from the west. It appears that on this advance of the Roman armies several attempts were made on both sides to come to terms, evidently in

Disunion among the allies. Gradual extinction of resistance.

[1] As, according to Orosius, v. 18, the consul Porcius Cato conducted the war against the Marsians in the neighbourhood of Lake Fucinus, *i.e.* the country in which Alba was situated, it may be presumed that his victories led either to the relief of Alba, supposing that town to have resisted successfully so long, or to its recapture, in case it had in the meantime been taken by the insurgents. Orosius on this occasion relates one of those unauthenticated and incredible anecdotes so indiscriminately handed down from one gossiping annalist to another. He says that Cato had boasted of having accomplished more than Marius, and that he was in consequence treacherously murdered during a battle by the son of Marius.

[2] Above, p. 212.

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pursuance of the law just passed in Rome, which offered the coveted right of citizenship to those who laid down their arms. Cicero[1] mentions negotiations which took place between Pompeius and Vettius Cato, and at which he himself, then a young soldier of seventeen years of age, was present. We do not know the result. But we may presume that at the least the negotiations contributed to weaken the bonds of union among the members of the league, and they may be looked upon as signs of its approaching dissolution. The Roman generals found no longer the same unanimous resistance, and were able to advance into the heart of the insurgent districts. It was not by a hard-contested battle that the Italian confederation was overthrown; it collapsed by a cessation of resistance, and the flames of war, at least in this part of Italy, died out for lack of fuel.

Siege of Asculum.

Meanwhile the struggle for the possession of Asculum continued with unabated fury. It was here that the insurrection had broken out. Its conquest would have been a sign that Rome had regained her ascendency, while at the same time the strength of the place and its situation on the line of roads which connected central with northern Italy, made its possession a matter of great importance to both parties. In the first year of the war Cn. Pompeius Strabo, as legate of the consul Rutilius, had, after long and chequered fighting, laid siege to the town without success. Being now consul, he caused the siege to be continued by his legate Sextus Julius Cæsar, who had been consul in the year 91 B.C., and upon the death of Cæsar by another legate, Caius Bæbius. Then, after the pacification of the central regions, he undertook the conduct of the siege himself. The town was in a very critical situation. By the submission of the Marsians and the neighbouring peoples it was cut off from Samnium and the other more southern confederates; and it seems that a party within the town was inclined to conclude peace with Rome. In order to prevent this, and to save

[1] Cicero, *Philipp.* xii. 7, 27.

a place of so much importance, Judacilius, one of the ablest and most resolute leaders of the insurrection, and himself a citizen of Asculum, conceived the bold plan of making an attack upon the besieging force from without in combination with a simultaneous sally of the garrison. He advanced with eight cohorts from the south, reached the immediate vicinity of Asculum, informed the besieged of his intentions, and then attacked the Roman lines. It appears that a great and bloody battle was fought. The Roman reports speak of a struggle between seventy-five thousand on their side and sixty thousand Italians. These numbers are evidently exaggerated. Yet the battle must have been a turning point in the military operations of the war, for it decided the fate of Asculum and consequently the issue of the war in the northern parts. The besieged did not make the sally upon which Judacilius had calculated. The consequence was that his plan failed, and that he succeeded only in fighting his way through the Roman lines with a small portion of his troops, and in penetrating into the town with them. Here he severely punished those who had thwarted his plan, and who were accused by him, probably not without good reason, of favouring the enemies. How long after this the siege was still continued we do not know. No doubt the miscarriage of Judacilius sealed the fate of Asculum. As a brave and desperate man he resolved not to survive the fall of his native town. He caused a funeral pile to be erected, took a parting meal with his friends, drained in conclusion a cup of poison, and, mounting the pile, gave the signal for firing it.[1]

Fall of Asculum.

This tragic event, which reminds us of the desperate patriotism occasionally shown by Spaniards, terminated the obstinate resistance of Asculum. The town fell into the hands of Pompeius, and, as was to be expected, was severely punished. The leaders of the insurrection suffered death, the other inhabitants lost everything they

[1] This event, which without any doubt belongs to the last period of the Social war, is placed by Appian (*Bell. Civ.* i. 48) at too early a date.

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possessed, and were driven naked out of the town. The booty, which would have been a most welcome relief to the exhausted treasury, was appropriated by the rapacious consul.

Recovery of Campania.

On the southern theatre of war the second year witnessed an equally sudden though less decisive change of fortune. First of all Campania, which had almost entirely passed into the possession of the confederates, was reconquered by the Romans, and on this occasion we hear for the first time of the co-operation of the Roman fleet. This fleet was commanded by Aulus Postumius Albinus, whose deplorable fate throws a very dubious light on the discipline of the Roman armies at the time. Albinus was charged by his own troops with treachery and murdered by them.[1] That the charge was without foundation cannot be doubted; but the true motive for such an atrocious crime we are unable to discover.[2] Perhaps on this, as on so many occasions, the soldiers complained of an unfair division of spoils, or it may be that Albinus would not allow his men to plunder, and thereby gave occasion for the reproach that he favoured the enemies of the republic. It is very strange that such a thorough soldier as Sulla left the foul murder of the general unpunished when he took the command of the mutinous troops, contenting himself with giving them the fatherly admonition to redeem their guilt by doubled courage before the enemy. Many military reverses of that time might perhaps be explained if we were entitled to suppose that the spirit of the troops of Albinus was that of the Roman armies in general,[3] and that insubordination and mutinous conduct had ceased to be considered crimes worthy of death.

[1] Liv. 75.

[2] According to Orosius, v. 18, it was 'intolerabilis superbia' by which Albinus incurred the hatred of the troops.

[3] We are to some extent justified in assuming this, by a fragment of Dio Cassius (*Frg.* 100, Dindorf), according to which Cato, consul of 89 B.C., was almost stoned to death by his rebellious troops. According to Plutarch (*Mar.* 33), Marius actually reproached his troops with cowardice.

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When with the help of the naval force the Campanian town of Stabiæ had been reconquered, Herculaneum also was recovered by Titus Didius with the aid of a legion of Italians, which Minucius Magius, an insurgent general who had deserted the confederates, had levied in the country of the Hirpinians.[1] We have here a striking instance which shows how the cause of the allies began to be weakened by desertion, and how the conquests of the Roman armies were facilitated by the wise policy of concessions. Minucius Magius and his men who went over to the Romans were among those who were reconciled by the lex Plautia Papiria. But we may be sure they were not the only ones. We must of course expect that but a small portion of such cases of desertion were reported, as the Roman annalists preferred to attribute all military successes to the bravery of the legions exclusively.

Operations in Campania. Effect of the policy of conciliation.

After the recapture of the towns on the sea coast,[2] Sulla pushed on his operations in Campania with extraordinary vigour. He compelled L. Cluentius, the hostile leader, to fall back upon Nola, attacked him under the walls of this town, and gained a signal victory, in which great numbers of the confederates and their leader were slain. On the battle-field the Roman soldiers honoured their general by acclamation with the title of Imperator. Without wasting time on the siege of Nola, Sulla now marched eastward into the land of the Hirpinians, where he took Compsa, the principal town, and destroyed the strong fortress of Æclanum. The severity shown to these places prompted the voluntary submission of the others; but we may suppose that this submission was no less hastened by the internal divisions among the Hirpinians, of which the desertion of the entire legion under Minucius

Campaign of Sulla. Capture of Bovianum.

[1] Velleius, ii. 16. The knowledge of this characteristic circumstance we owe to the fact that Velleius could boast of Minucius as his own great-grandfather.

[2] Though we have no detailed information, we may assume, that besides Stabiæ and Herculaneum, the other towns on the coast of Campania, such as Salernum and Minturnæ, were also taken again by the Romans. Of Pompeii we are only informed by Velleius, that it was besieged by Sulla in conjunction with the loyal Italian Minucius Magius.

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Magius is a specimen and proof.[1] Sulla was enabled to penetrate further into the land of the Samnites. Here he defeated Papius Mutilus, one of the two chief captains or 'consuls' of the Italians, and conquered Bovianum. It was in this town that after the fall of Corfinium, or Italica, the insurgents had established the seat of their government. It was an ominous sign for the future prospects of this government that it was now driven from the second capital of the confederation. It seems to have been transferred to Æsernia, the Roman colony near the sources of the Volturnus, which had held out with heroic resolution, and had finally been forced to surrender by the sufferings of famine.

Campaign in Apulia and Lucania.

With the fall of Bovianum the power of the Samnites was broken. At the same time the Roman armies penetrated into Apulia, which had been entirely lost to them in the first year of the war. But here they encountered a very serious resistance. It appears that the more determined party of the Italians who would not entertain the Roman proposals of peace, and had on this account fallen out with their more moderate countrymen, were compelled to leave the central regions of the insurrection, and, withdrawing further southward, to continue their resistance, as Hannibal had done in the latter period of his Italian campaign. The Roman generals Cosconius and Lucceius here defeated a Samnite army under Marius Egnatius, who was killed in the battle. Cosconius then took the town of Salapia, occupied Cannæ, which surrendered voluntarily, and laid siege to Canusium. Once more the Samnites collected an army and compelled Cosconius to retire from Canusium to Cannæ. In this plain of evil memory, where, one hundred and twenty seven years before, the Romans had fought and bled by the side of the faithful Italians, they now found themselves confronted by their ancient allies. Cosconius, after having received reinforce-

[1] Velleius, ii. 16, has a very suggestive passage: Paullatim deinde receipiendo in civitatem qui arma aut non ceperant aut deposuerant maturius vires refectæ sunt.

ments, perhaps by sea, again advanced from Cannæ and gained a signal victory over Trebatius, the successor of the deserter Minucius Magius. The detail of the battles is so imperfectly preserved that they lack all interest, and can teach us nothing of the actual conduct of either belligerent. After the last battle it seems that the resistance of the enemies was entirely broken, and that almost the whole of Apulia and Lucania was overrun by the Roman forces. Among the places taken by them are mentioned Larinum, the Apulian Asculum, the site of the battle between the Romans and King Pyrrhus, and lastly Venusia, the important fortress which the Romans had lost in the beginning of the war.[1] The league of the Italians was now practically dissolved, though several places, such as Nola and Æsernia, still held out.[2] Many thousands of brave men who had for two years fought for independence could not reconcile themselves to lay down their arms and to become Roman citizens; but they were no longer able to continue the war on equal terms. The preponderance of Rome became every day more apparent. The war as such was over. Rome could resume her attitude of undisputed mistress of Italy, and undertake the reorganization of the order of the state. It was high time that this order should be restored, for it was necessary to assert the supremacy of the republic over foreign possessions

[1] Venusia was taken by Metellus. Diodor. xxxvii. 2, 10.

[2] The gaps in the reports which we possess about the Social war are far greater than the coherent fragments. The chronological arrangement of the few recorded facts is subject to great doubt and uncertainty. Some portions are clearly misrepresented, others are buried in total darkness. We have no knowledge whatever of the attitude and fate of some of the most important Latin colonies within the area of the insurrection, such as Sora, Beneventum, and Luceria. We are not informed how Venusia passed into the hands of the Italians, for what Appian (*Bell. Civ.* 1, 142) says is very vague. We do not know whether Alba was conquered by them, or whether it resisted successfully, or how and when Æsernia was regained by the Romans; and many other important events altogether are lost to us. On the other hand, several irrelevant or silly anecdotes have been narrated, conversations between some of the leaders, stories of single combats, of narrow escapes, and of faithful slaves. Under these circumstances it is impossible to give in a coherent form a clear and lifelike picture of this memorable war, and we must be satisfied with a shadowy outline, such as we have attempted to piece together.

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and dependencies. Above all it was high time to check the aspiring ambition of that barbarous king in the far East, who, relying on the internal divisions of Italy, had ventured to defy the Roman authority, and was endeavouring to build up an antagonistic power on the shores of the Euxine.

CHAPTER XV.

INTERNAL HISTORY DURING THE SOCIAL WAR.

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Indebtedness of Roman citizens.

WHILST the Social war strained to the utmost the resources of the republic and demanded the greatest sacrifices from its citizens, events took place in the interior of Roman society which pointed to a new outbreak of an old and never cured disorder. Almost from the first dawn of the history of Rome we are struck by the curious fact that a considerable portion of her citizens were suffering from a chronic state of indebtedness on a large scale, and from an abuse of the laws of debt on the part of the creditors. This economical evil produced from time to time great disturbances, not only in social, but also in political life, and helped to bring about important changes in the constitution of the state. Efforts were made at different times to give relief to the suffering mass of debtors either by the legal regulation and fixing of the rate of interest, or by state support, or even by a legal interference with private contracts. All these, however, were only palliative measures. In times of great national distress, especially in disastrous wars, the unsound state of the economical condition of society became apparent. Neither assignments of land and the establishment of colonies for the benefit of the poorer citizens, nor the anxious care of the government for securing moderate prices of corn, nor the corn laws of the Gracchi, nor the reduction of the rate of interest, could prevent the persistent practice of usury, or its consequence, the wretched condition of great numbers of debtors. The Roman people, so powerful and so redoubtable to all foreign nations, so haughty and contemptuous in their condemnation of mercantile pur-

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suits and the industrial arts as illiberal and mean, were nevertheless always groaning under the professional usury practised by their own nobility, which had grown rich by the conquests of the Roman arms.

Injunction of the prætor Asellio.

In the year 89 B.C. Aulus Sempronius Asellio happened to be prætor urbanus.[1] A great number of prosecutions for debt were pending. Asellio gave instructions to the judges who had to try these cases, that the claims of the creditors should not be admitted, because an ancient law had declared all taking of interest illegal.[2] What law he had in view it is not easy to determine. For though Livy[3] in a somewhat hesitating manner mentions a law proposed by a tribune in the ancient time of the republic to the effect that all usury should be abolished, it is very doubtful whether this law was intended to refer to money loans or to other debts, and whether it was actually adopted by the legislature or ever put in force. We know from the Mosaic and the Canon law that a prohibition to lend money at interest is, in spite of its absurdity, not impossible, and that religious lawgivers do not take into consideration the facts furnished by the experience of economic relations between man and man. But it is hardly credible that Romans, who were a shrewd, sensible people, and not swayed by a priestly class or caste, should ever, even temporarily, have submitted to the idle demand of a ridiculous law, condemned by common sense. At any rate it is quite certain that no such law was ever kept. Its natural consequence would have been that with the taking of interest the lending of money also would have ceased. But lending and borrowing continued as before, and at the time when Asellio attempted to enforce the alleged old law, it had no doubt fallen into total oblivion, even if it had ever been applied in the way that Asellio seems to have assumed. The proceedings of the

[1] Appian, *Bell. Civ.* 1, 54. Liv. 74. Valer. Max. ix. 7, 4.

[2] Appian, *Bell. Civ.*: νόμου τινὸς παλαιοῦ διαγορεύοντος μὴ δανείζειν ἐπὶ τόκοις.

[3] Liv. 11, 42: Invenio apud quosdam L. Genucium, tribunum plebis, tulisse ad populum, ne fenerare liceret. See vol. i. p. 345.

prætor must therefore be considered utterly injudicious and unjust, for the same reason that we condemn the policy of Tiberius Gracchus, who revived the equally obsolete agrarian law of Licinius. Yet Gracchus acted in so far more correctly than Asellio, that he caused the old law to be re-enacted by the legislative assembly, before he attempted to put it in force. Asellio on the other hand appears to have acted as if the old law had been in constant uninterrupted practice.

Tactics of the creditors.

As soon as the intentions of the prætor become known, the whole body of capitalists in Rome was thrown into great excitement. The order of knights was particularly threatened, and the knights had now obtained so influential a position in the state, that they were not easily to be frightened by the edict of a wrong-headed prætor. There was a constitutional and simple remedy in Rome for guarding against illegal proceedings of any magistrate. This was the tribunician intercession. Of this remedy the threatened creditors endeavoured to avail themselves, and they secured the help of the tribune Lucius Cassius. But the tribunician authority had been sadly weakened during the recent civil conflicts. Force and violence and new views of the omnipotence of the people, such as had been inculcated by Tiberius Gracchus, had almost superseded the feelings of awe and respect of the old sanctity and inviolability of the tribuneship. It was to be foreseen that the mass of the debtors under the authority of the prætorian edict would pay little attention to the intercession of the tribune. The creditors accordingly adopted more effectual means, and opposed the revolutionary prætor by rude force.

Murder of Asellio.

One day, when Asellio, before occupying his prætorial chair, was engaged with the usual preliminary sacrifice in front of the temple of Castor and Pollux in the forum, whilst his tribunal was surrounded by a dense crowd of people, he was suddenly struck by a stone, cast at him from the multitude. He flung away the sacrificial bowl and ran towards the adjoining temple of Vesta, within

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whose hallowed precincts he hoped to find a place of refuge. But the crowd blocked his way. Turning aside he reached a private house, but was there seized by his pursuers and immediately murdered.

Although there could be no doubt as to the instigators of this atrocious deed, it remained unpunished. The senate indeed offered a public reward to anyone who would bring the perpetrators to account. Under ordinary circumstances there would have been no lack of witnesses to give the evidence required; but it appears that nobody had the courage to provoke the powerful order of the capitalists, who had shown what they could do in the vindication of their rights. The consequence was that the obsolete law remained for ever obsolete, and that the instigators and perpetrators of the murder were not punished or even prosecuted.

Judicial law of the tribunes Plautius and Papirius.

This time victory remained with the capitalists, the same class which was foremost in opposition to Drusus, which by its opposition had conjured up the disastrous war with the Italian allies, and which, under the Varian law,[1] had prosecuted and exiled the friends and adherents of Drusus and all the statesmen of moderate and conciliatory disposition. But when in consequence of the reverses of the first campaign against the allies, a different policy was adopted, and Rome was compelled to make the concessions she had so long and so haughtily refused, the order of knights were punished for their abuse of power. The two tribunes, Plautius and Papirius,[2] effected without much difficulty an important change in the judicial law of C. Gracchus, which introduced an entirely new principle in the drawing up of the lists of judges. It was nothing less than popular election. The law of Plautius and Papirius prescribed that in future, instead of the knights, five hundred and twenty-five men were to be annually elected by the tribes to act as judges, in such a manner that the exclusive privilege of the knights should be set aside and that each tribe should elect ten men

[1] Above, p. 188.

[2] Ascon. ad Ciceron. *Cornel.* p. 79.

indiscriminately from senators, knights, and the general body of citizens. Thus the judicial monopoly of one order was broken, and in the total change of the political situation the relative power of the two contending parties was so thoroughly reversed that Quintus Varius, who, as tribune of the people in 90 B.C., had with the employment of force renewed the *lex de maiestate* and had set on foot the prosecutions against the conciliatory party of Drusus,[1] was himself tried, condemned, and driven into exile.[2]

Alliance of the tribune Sulpicius with Marius.

The condemnation of Q. Varius was of course the signal for the return to power of those men who, as friends of Livius Drusus and as patrons and instigators of the Italian allies, had in consequence of the lex Varia been compelled to leave Rome. The cause of these men was undertaken by the tribune Sulpicius, who, a short time before, had prevented their recall from exile.[3] What may have induced him to this sudden change of policy must remain doubtful, as the detail of these proceedings is lost to us. Altogether the character and the motives of this remarkable man present a series of problems which have not yet been solved. Sulpicius was a good soldier and had distinguished himself in the Social war as an able officer.[4] He was still more eminent as an orator, for Cicero is lavish in his praise.[5] As a politician he belonged not to either of the extreme parties, but, like the most sober and rational men of his time, to those who tried to steer a middle course. Nevertheless we see him carried away to measures of the wildest democracy, and become the tool of the morbid ambition of the aged Marius. It is difficult to understand, and yet it cannot be doubtful, that the whole policy of Sulpicius was determined by his alliance

[1] Above, p. 189. [2] Cicero, *Brut.* 89, 305. Valer. Max. viii. 6, 4.

[3] Auct. *ad Herenn.* ii. 28, 45, quoted above, p. 188, note 3.

[4] Above, p. 213.

[5] Cicero, *Brut.* 55, 203: Fuit enim Sulpicius vel maxime omnium, quos quidem ego audiverim, grandis et, ut ita dicam, tragicus orator. Vox quum magna tum gravis et splendida; gestus et modus corporis ita venustus, ut tamen ad forum non ad scenam institutus videretur; incitata et volubilis nec ea redundans tamen nec circumfluens oratio.

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with Marius, and it may be almost suspected that this alliance was brought about by sordid motives. Sulpicius was loaded with debts, and Marius had the means to help him out of his embarrassments. The debts of Sulpicius are a fact the more surprising, as he himself proposed a law to prevent senators from contracting debts above twenty thousand denarii.[1] Such a law, foolish and without the least effect as it must have been, ought not, we should fancy, to have been recommended by a man who, like Sulpicius, was deeply involved in debts himself. But here again we feel that our imperfect information leaves us in the dark. Perhaps we might be able not only to understand the motives of Sulpicius, but also to justify them, if we had full and impartial reports of these transactions.

Opposition between Marius and Sulla.

When Caius Julius Cæsar Strabo, the brother of the consul of the year 90 B.C., who had only been ædile before, but not prætor, tried in defiance of law and custom to get himself elected for the consulship of the year 87 B.C., he was opposed by Sulpicius and lost his election. The opposition of Sulpicius in this case was made in the interest of order and constitutional law, but, as it seems, at the same time in the interest of Marius, who was then trying to secure for himself the command in the East.[2] Unfortunately this was precisely what Sulla at the same time was aiming at, and thus it happened that these two men, who had now been divided by jealousy and envy, were for the first time brought in direct opposition the one to the other. This opposition kindled the flame of the civil wars, which, after protracted bloody conflicts and extreme vicissitudes of fortune among the contending parties, brought about the downfall of the republic.

[1] Plut. *Sulla*, 8.

[2] Diodor. xxxvii. 2, 12: *διὸ καὶ τοῦ Μαρσικοῦ πολέμου σχεδὸν ἤδη διαλυομένου πάλιν αἱ προγεγενημέναι στάσεις ἐμφύλιοι κατὰ τὴν Ῥώμην κινήσεις ἐλάμβανον, ἀντιποιουμένων πολλῶν ἐνδόξων τὸ τυχεῖν τῆς κατὰ Μιθριδάτου στρατηγίας διὰ τὸ μέγεθος τῶν ἐπάθλων. Γάιός τε γὰρ Ἰούλιος καὶ Γάιος Μάριος ὁ ἑξάκις ὑπατεύσας ἀντεφιλονείκουν, καὶ τὸ πλῆθος ἦν ἑκατέροις συμμεριζόμενον ταῖς γνώμαις.*

CHAP. XV.

Causes of difference between Marius and Sulla.

The hostility between Marius and Sulla has often been represented as dating as far back as the Jugurthine war.[1] But the fact that in the war with the Cimbri and Teutones Marius had Sulla with him as his legate is sufficient to show, what even apart from this circumstance is highly probable, that the renowned and experienced general did as yet not look upon the much younger Sulla with any ill-will. This good feeling on the part of Marius may have cooled down, when in the course of the Cimbric war Sulla had joined Catulus, the general who at first fought so unsuccessfully against the Cimbri,[2] and eventually helped under the supreme command of Marius to gain the battle of Vercellæ.[3] But even then it could only have been Sulla who was envious; for Marius preserved his friendly feelings for his former quæstor, and, as we have seen, honoured[4] Sulla's friend Catulus by making him share his triumph. But subsequently, when after his sixth consulship Marius retired from active politics, Sulla by degrees placed himself in opposition to him.

Early career and tastes of Sulla.

By his social position alone Sulla had no more prospect than Marius of playing an important part in the state, for though he was descended from a noble house, he was poor and did not belong to those families which at that time shared among themselves the offices of state. Besides, he was not so exclusively a slave of ambition and vanity as Marius, for pleasures and amusements, high as well as low, often diverted his attention from serious business. It was with reluctance that he abandoned the jovial companions of his youth, such as actors and dancing girls, to enter on the hard life of a soldier and the irksome and laborious duties of a statesman. He had also, it is true, intellectual and artistic tastes. He was fond of reading Greek books, of conversing with scholars and poets, of admiring works of art; but we can hardly tell to what extent he followed in these occupations the then

[1] Plutarch, *Mar.* 10: Καὶ τοῦτο πρῶτον ὑπῆρξεν αὐτοῖς σπέρμα τῆς ἀνηκέστου καὶ χαλεπῆς ἐκείνης στάσεως, κ.τ.λ.

[2] Above, p. 105. [3] Above, p. 108. [4] Above, p. 112.

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prevailing fashion or a genuine propensity. He rose from the lower sphere to which he was born by a rather crooked and not very honourable path. He inherited the fortunes of two ladies, his stepmother and a Greek courtezan, called Nikopolis. Thus he gained the means which enabled him to devote himself to a public career and to rise to honours in the state. But he became decidedly rich only after he was employed in Numidia on his mission to Bocchus, which was half military, half diplomatic, and which gained him the clientship of the king of Mauretania. Bocchus needed a clever advocate in Rome for the claims which, by the surrender of Jugurtha, he had gained on the bounty of the republic, and he was willing and able to pay liberally the man who would extol his services and plead for him in the senate. Sulla could, at the same time, advance the interests of the king his client, and represent the capture of Jugurtha as a specially dangerous and meritorious feat, which entitled him and not Marius to the chief credit for terminating the war in Numidia. He had a ring made with a seal on which the surrender of Jugurtha by Bocchus to him was engraved.[1] At a later period he came more distinctly before the public with his claims by inducing Bocchus to put up in the Capitol a group of statues representing the same transaction.[2] This brought to light the hostility which had for some time sprung up between the two rivals, and Marius was with difficulty prevented from removing forcibly the trophy which was so evidently designed to extol at his expense the services of his quæstor.

Prætorship of Sulla.

The special friendship of king Bocchus for Sulla was so universally known that it would have helped to procure the latter the ædileship. The people expected, that if he

[1] Plutarch, *Sulla*, 3: καὶ γὰρ αὐτὸς ὁ Σύλλας φύσει τε μεγάλαυχος ὢν καὶ τότε πρῶτον ἐκ βίου ταπεινοῦ καὶ ἀγνῶτος ἔν τινι λόγῳ γεγονὼς παρὰ τοῖς πολίταις καὶ τοῦ τιμᾶσθαι γευόμενος εἰς τοῦτο φιλοτιμίας προῆλθεν, ὥστε γλυψάμενος ἐν δακτυλίῳ φορεῖν εἰκόνα τῆς πράξεως καὶ ταύτῃ γε χρώμενος ἀεὶ διετέλεσεν. Plutarch, *Mar.* 10.

[2] Plutarch, *Sulla*, 6.

were elected to that office he would be enabled by his royal friend to exhibit a rare show of African lions and other wild animals in the public games. But Sulla refused to become a candidate for the ædileship, which was not an essential step in the scale of honours. He no doubt felt sure that in his case it was not necessary, and that perhaps the higher office of prætor, in which he also could show his and his friend's munificence, would be the more sure for him, if the impatience of the people were not at once satisfied. He was accordingly elected prætor in 93 B.C., and now he gratified the public curiosity by exhibiting the hoped-for games with a magnificence which had not been seen before.[1]

Life of Sulla as a statesman.

From the time of his prætorship we may date the beginning of Sulla's political career. It was in the foreign policy of Rome that he first displayed his eminent ability. In the internal affairs, for instance in the disturbances caused by Saturninus and Glaucia, his name is never mentioned. But in Asia a wide and favourable field now opened before him where he could show that mixture of cunning and courage which he had first displayed in Numidia. It was his task to curb the aspiring spirit of the ambitious Mithridates, and to do this without putting Rome to the expense of a war. How completely he succeeded in this will be related in connexion with the events of the Mithridatic war. After having settled the affairs of the East, Sulla returned to Rome shortly before the breaking out of the Social war.[2] This war offered him an opportunity for displaying his great military

[1] On this occasion Sulla introduced a novelty which met no doubt with universal applause. Hitherto the wild beasts that were baited to death had always been tied to poles. But Sulla now received from Bocchus some experienced African lion-hunters who killed the animals, one hundred in number (Plin. *Hist. Nat.* viii. 20) before the eyes of the people as in a real chase. Seneca, *Dialog.* x. 13, 6: Primus L. Sulla in circo leones solutos dedit, cum alioquin adligati darentur, ad conficiendos eos missis a rege Boccho iaculatoribus.

[2] In the year 91 B.C. he was threatened by C. Censorinus with a legal prosecution; but it does not appear that this was ever instituted. Plutarch, *Sulla*, 5: ἀναχωρήσαντι δὲ αὐτῷ δίκην ἔλαχε δώρων Κηνσωρῖνος ὡς πολλὰ χρήματα συνειληχόντι παρὰ τὸν νόμον ἐκ φίλης καὶ συμμάχου βασιλείας.

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talents, whilst Marius, who was now his declared rival, was unable to keep up the reputation which he had earned as deliverer of Italy in the threatened invasion of the Germanic barbarians. In the first year of the war, as we have seen, Sulla's name is hardly mentioned, and whatever may have been his merits, he was unable to retrieve the numerous losses suffered by all the other Roman generals. But in the course of the second year he rendered signal service in the southern portion of this field of operations, whereby he secured for himself his election for the consulship of the year 88 B.C. The war in Italy was, it is true, not yet fully brought to an end, but on the whole it was decided; the resistance of the insurgents was almost everywhere overcome, and their league broken not less by the concessions of the Romans than by the victories of the Roman legions. It was to be expected that the few isolated communities and captains who still continued hostilities without a combined plan or action, would soon yield to persuasion or force. The Roman government accordingly felt justified in directing its attention to the affairs of the East, and opposing the dangerous encroachments of Mithridates, who, thinking that Rome was paralysed by internal troubles, had displayed a restless activity and was actually threatening the Roman dominion in Asia and Greece.

CHAPTER XVI.

PUBLIUS SULPICIUS RUFUS. 88 B.C.

CHAP. XVI.

Outbreak of civil strife in Rome.

At this critical period, before the final pacification of Italy and after the outbreak of a serious war in the far East, at a time when Rome had to collect all her strength to face enemies in two directions, civil discord again broke out with unexampled fury, paralysing for a long time the energy of the state, prolonging or almost renewing the insurrection in Italy, and creating for Mithridates so favourable a diversion, that he was enabled to shift the theatre of war from Asia Minor to Greece, and to place Rome almost in the position which she had occupied a hundred years earlier in the time of the war with Antiochus.

Ambition of Marius to conduct the war in the East.

The guilt of this lamentable convulsion undoubtedly rests with Marius. The part he had taken in the conduct of the Social war had just served again to inflame his military ambition, but not to satisfy it. On the contrary, he was probably conscious of failure; but instead of resigning himself to the fact that in his age he was no longer what he had been in his prime, he deluded himself with the belief that, if he had an independent command, he could still shine as the first general of the republic. This morbid ambition was intensified by superstition. It is related that when he was still a child a prophetess foretold to his mother that he would live to be seven times consul of Rome. Marius, like his great rival, was credulous enough to be influenced by such hopes, especially as the alleged prophecy had been all but fulfilled by the unprecedented honours heaped upon him in six consulates. He now saw a new great war looming in the

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distant East almost as threatening to the safety of the republic as the irruption of the northern barbarians whom he had so gloriously defeated and crushed. Why should he not be destined to maintain the power and dominion of Rome in Asia, as he had previously done in Africa and Europe? Why should he not be destined to add to his titles of second Romulus and Camillus that of conqueror in each of the three great continents?

Alliance with Sulpicius.

Urged on by such feelings and hopes, Marius set all agencies in motion to obtain for himself the chief command against Mithridates.[1] In order to show to the people, that in spite of his age and unwieldy fatness he was still active and vigorous, he joined in the exercises of the young men in the Campus Martius, and exhibited his skill in riding, wrestling, running, and other feats of military training. But no doubt he relied more on the usual practices of political agents, who knew how to employ money, persuasion, and intimidation. As on a former occasion he had allied himself with Saturninus and Glaucia, so now he employed Sulpicius, whose support he gained by paying his debts and joining him in his political measures of reform.[2]

The thirty-five tribes and the citizens.

These measures were directed towards regulating the legal condition of the new citizens, who had obtained the Roman franchise in the year 90 B.C. The lex Julia, which conferred this privilege on the Italians, had restricted and almost neutralised its benefits by ordaining that the new citizens should all be inscribed in eight out of the old thirty-five tribes.[3] Thus the political weight

[1] Plut. *Sulla*, 7: Ἀνταν ίστατο δὲ αὐτῷ (to Sulla) Μάριος ὑπὸ δοξομανίας καὶ φιλοτιμίας, ἀγηράτων παθῶν, ἀνὴρ τῷ τε σώματι βαρὺς καὶ ταῖς ἔναγχος ἀπειρηκὼς στρατείαις διὰ γῆρας ἐκδήμων καὶ διαπεντίων πολέμων ἐφιέμενος. καὶ τοῦ Σύλλα πρὸς τὰς ἐπιλιπεῖς πράξεις ὁρμήσαντος εἰς τὸ στρατόπεδον αὐτὸς οἰκουρῶν ἐτεκταίνετο τὴν ὀλεθριωτάτην ἐκείνην . . . . στάσιν. It is not asserted either here or elsewhere that Marius became formally a candidate for the consulship. Possibly he aimed only at the chief command in the war with Mithridates.

[2] Plutarch, *Sull.* 8: Μάριος δὲ προσλαμβάνει δημαρχοῦντα Σουλπίκιον ἄνθρωπον οὐδενὸς δεύτερον ἐν ταῖς ἄκραις κακίαις, κ.τ.λ.

[3] Velleius, ii. 20. According to Appian (*Bell. Civ.* 1, 49), they were to be distributed into fifteen new tribes, so that henceforth the total number of

of the new citizens was so limited that the right became all but nugatory, just as since the famous censorship of Appius Claudius in 312 B.C., it had always been the aim of conservative statesmen to restrict the influence of the freedmen who were from time to time admitted as citizens.[1] The fears which agitated these statesmen were not without foundation. If the comparatively small number of freedmen seemed to be an element calculated to affect the purity and to overrule the independence of the ancient body of citizens, and was therefore restricted to vote only in the four city tribes, the danger to the Roman constitution must have appeared considerably greater now, when the whole mass of the population of Italy was poured into the old tribes and threatened entirely to swamp the votes of the genuine Romans. This consideration had weighed with the statesmen who advised and carried the measure of inscribing the Italians in eight tribes only. But the democratic party were not satisfied with this partial concession. They demanded a more sweeping reform, especially as Marius hoped to carry his own personal plans of ambition by means of the aid rendered by the newly inscribed citizens. Accordingly his coadjutor Sulpicius came forward with the proposal to distribute the Italians equally over all the thirty-five tribes.[2]

Sulpicius as a demagogue.

Meanwhile Sulla and Q. Pompeius Rufus had entered on their office as consuls for the year 88 B.C., and opposed the motion of Sulpicius in the senate, not by a direct negative, but by throwing formal obstacles in its way. They issued a decree for the observance of an extraordinary festival which would cause a total cessation of public business for a time, and therefore prevent Sulpicius from bringing forward his motion. But if they really fancied they could stop a man like Sulpicius by such formalities of constitutional law, they were greatly deceived. Their

tribes would have been fifty. This cannot be a mere invention of an annalist. Perhaps it was one of the numerous proposals made at the time.

[1] Vol. i. p. 433.

[2] Liv. 77. Appian, *Bell. Civ.* 1, 55.

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proceeding was hostile and yet weak, and could only have the effect of exasperating Sulpicius, who had substantial right on his side. He therefore surrounded himself with a body-guard of armed men, not less, it is related, than three thousand strong, and a number of six hundred knights whom he called his antisenate. Riots and acts of violence were the consequence, and even the life of the consuls was in imminent danger. Pompeius, one of them, sought safety in flight, but his son, who was the husband of Sulla's daughter, was murdered. Sulla himself only escaped a like fate by taking refuge in the house of Marius, and afterwards consenting to recall the edict which proclaimed the extraordinary festival. He then left the town in the hands of the Marian party, and hastened to his army in Campania, where he felt that he would be safe from the violence of his enemies.

The command of the Mithridatic war transferred from Sulla to Marius.

Sulpicius, as soon as he had cleared the forum of the adherents of the opposite party by means of his gang of armed followers, submitted his proposals to the vote of the tribes, and thus obtained for them the formal sanction of law. Then he brought forward a resolution by which the sovereign people took away from Sulla the chief command in the war with Mithridates, which had been in due form of law conferred upon him, and gave it to Marius. For this resolution there was a precedent in the course of the Jugurthine war, when the command in Numidia was taken from Metellus and conferred upon Marius by the people, in opposition to a previous arrangement made by the senate.[1] The only difference was that in the year 107 B.C. Marius was duly elected consul, whilst Metellus was only proconsul. Now, on the contrary, Sulla was consul, and Marius had no official position whatever, but was only a private citizen. The proceeding could therefore hardly be considered as strictly constitutional, especially under the present circumstances, when interference with the arrangements of the senate was not called for by any state necessity, but served

[1] Above, p. 62.

only the personal interests of Marius, and was accompanied by brute force and violence. It was a mere pretence on the part of the latter to say that he wished for a new command because he was anxious to have an opportunity for his son to cultivate his military talent. All men of sense condemned the morbid ambition of the old man, and dreaded its disastrous consequences on the issue of the enterprise. Hints were thrown out that his friends should advise him to retire rather to the ease and comfort of his pleasant villa in Campania, or to swathe his old rheumatic limbs in the warm baths of Baiæ. The real temper of the man was, it would seem, not yet sufficiently known, and had the wolfish nature in him been suspected, no one would have ventured to irritate him by an untimely joke.

March of Sulla's soldiers upon Rome.

When the votes of the sovereign people, overriding the decision of the senate, had named Marius instead of Sulla commander of the forces destined for the war in Asia, two legionary tribunes were sent from Rome to Campania to call upon Sulla to give up the army. This was the signal for open hostilities between the two rivals. Sulla's soldiers, who were unwilling to lose either their leader or the prospect of a war which promised abundance of booty, replied to the summons of Marius by killing his two messengers; and the whole army, six legions strong, marched upon Rome with Sulla at their head, though all superior officers except one forsook him. It was the first time that a Roman army marched against the capital, not as on former occasions to celebrate a triumph, but to engage in a bloody contest with fellow citizens.

Conflict between Sulla's troops and the partisans of Marius and Sulpicius.

Meanwhile Rome was given up to anarchy and confusion. The senate was powerless, and entirely at the mercy of Marius and his violent partisans. Sulla's friends were fleeing from the town into his camp, whilst those who inclined to the democratic party hastened from the camp to Rome. Here no preparations had been made for defence, because open resistance on the part of the army

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had not been apprehended. Another attempt was therefore made to induce Sulla to accept the resolution of the people. Two prætors in their full official robes presented themselves to him, and endeavoured by assuming a commanding tone to induce him to stay his march. But Sulla's soldiers rushed upon them, broke the fasces of their lictors, and treated them so roughly that they barely escaped with their lives. Sulla, encouraged to persist in his resolution by a dream and favourable omens, continued his advance, and soon found himself near Rome. Once more ambassadors came out and bade him stop, promising that the senate would settle the dispute justly and equitably. Sulla promised to obey, and gave orders to pitch a camp. But no sooner had the ambassadors left him with the reassuring answer, than he again resumed his march, and soon afterwards stood before the gates of the town. Whilst with one legion he seized the Porta Cælimontana on the eastern side of the town, his colleague Pompeius occupied the Porta Collina in the north, and a third legion took up a position near the wooden bridge over the Tiber. A fourth legion remained in reserve outside the walls, and Sulla entered the town with the two remaining legions on the side of the Esquiline.

Flight of Marius from Rome.

Marius and Sulpicius had nothing to oppose to these six legions but the town rabble and their bands of armed bravos, with whom they had been able to terrorise the forum, but could not hope to resist a regular army. Nevertheless they made the attempt. On their first advance in the narrow streets the troops of Sulla were received with showers of stones and tiles from the roofs, and with such effect, that they were even forced to retreat, though Sulla in person encouraged them to advance. He now threatened to set fire to the houses and to reduce Rome to ashes, if the inhabitants continued their resistance. At the same time he led one legion sideways through the Subura into the rear of his opponents. Marius in the last emergency had called upon the slaves to take up arms for

him under the promise of freedom, but he had produced no impression. Only three had responded to his call. He found it therefore high time to think of his personal safety, and made his escape to Ostia, whence he continued his adventurous flight to Africa.

Measures of Sulla against his opponents.

Sulla, now in possession of the town, acted with firmness and moderation. He saved it from pillage by punishing severely and without delay all excesses of the soldiery, and by making the rounds himself in the night to stop every attempt at disorder. On the break of day he called an assembly of the people, before whom he justified his mode of proceeding as forced upon him by the injustice and violence of his enemies. To spare them entirely, now that they were overthrown, was indeed impossible, but he was satisfied with a limited number of victims, and caused only about twelve of them to be outlawed by a popular vote.[1] Among these Marius and his son and Sulpicius were of course the foremost. Sulpicius had escaped to a country house near Laurentum, but was there betrayed by a slave and delivered up. He was immediately put to death, and the slave received his freedom as a reward for his treachery; but Sulla expressed his disgust with his act by causing him to be thrown down from the Tarpeian rock.

Main purposes of Sulla.

Sulla made no further use of his victory to take revenge upon his personal enemies. All his endeavours were directed towards preventing a repetition of such acts of violence as those which had just thrown the community

[1] Mommsen (*Röm. Gesch.* ii. 260, 262) says that this was done by a decree of the senate alone, without a consultation of the people or a verdict of a jury. This is incorrect, for, as Velleius (ii. 19, 1) distinctly says, banishment was pronounced by the passing of a law (lege lata exules fecit), of course upon a previous resolution of the senate. That this regular proceeding was adopted is moreover proved by what happened on the return of Marius, when the people were hastily assembled to vote the repeal of the sentence of banishment. Appian, *Bell. Civ.* i. 70. Plutarch (*Sulla*, 10) does not mention the popular vote, but this is no proof against it It would not agree with Sulla's character and intentions to disregard the usual constitutional forms, which after his victory presented to him no kind of obstacle. Comp. A. W. Zumpt, *Röm. Criminalrecht*, ii. 1, 299.

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into disorder. He caused the people to repeal all the laws of Sulpicius, and then made his first and imperfect attempt to bring about a restoration of the old aristocratic constitution of the republic.[1]

Changes in the elements of Roman political power.

In the good old time the senate had practically possessed the full power of directing the executive government. Its influence on the making of new laws had been paramount, and by the courts of law, which were in the hands of senatorial judges, the whole people in all their relations of life were constantly reminded of their dependence on that distinguished governing body. The tribunes of the people were at the same time the willing servants of the nobility and the principal agents whom the senate employed to cause the sovereign people to sanction by their votes the proposals, administrative and legislative, which the senate thought fit to adopt. Under such circumstances the republic had grown, had become powerful and rich; but the result was a great disparity in the economical condition of the ruling classes and the people, the former having amassed colossal wealth and the latter having sunk into hopeless poverty. To restore a healthy condition of society the Gracchi had broken the power of the senate and restored the sovereign rights of the people, which, though always acknowledged *de jure*, had become obsolete *de facto*. But by this policy an impetus had been given to the democratic forces by which reckless demagogues could at any time endanger the continuance of all order. The temper and disposition of the people were always most capricious. Momentary influences produced by casual events, nay by the seasons alone, could determine the Roman people to support or oppose the weightiest measures of legislation and government. This was the cause of that unsteadiness in all political principles and practice which had prevailed since the Gracchi, that fatal oscillation in the fearful downward course of all republican institutions, the alternate triumphs and defeats of the contending parties, the dependence of the most

[1] Appian, *Bell. Civ.* i. 59. Liv. 77.

momentous public interests on the personal disposition or advantages of individual leaders, and finally the eruption of those fierce passions which, instead of appealing to laws, unsheathed the sword and no longer shrank from the wildest excesses of civil war.

Aristocratic reforms of Sulla.

From his point of view Sulla saw the source of these evils not in the degeneracy of the nobility, but in the abuse of democratic power. His endeavour accordingly was to restore the strength of the former and to repress the latter within the narrowest possible limits. The senate had been much reduced in numbers. Sulla resolved to bring it to the normal strength of three hundred by the nomination of a certain number of senators from the ranks of the optimates.[1] He moreover ordained, that without the previous sanction of the senate no questions should be submitted to the vote of any popular assembly.[2] If we can trust the somewhat obscure expressions of the careless Appian, Sulla altogether put a stop to the legislative functions of the comitia tributa, which had been recognised by the Hortensian law of 287 B.C. as competent to legislate for the Roman people,[3] and had since that period exercised that right without stint or interruption, almost to the total exclusion of the comitia centuriata. The latter assembly was now, according to Appian, restored by Sulla to its original exclusive right of legislation.[4] Yet we can hardly believe that such a fundamental change

[1] Appian, *Bell. Civ.* 1, 59. Whether this nomination really took place, may be doubtful. It is most probable that it was never effected, for after Sulla's departure, which followed very soon, the civil disorders broke out almost immediately. See A. W. Zumpt, *Röm. Criminalrecht*, ii. 1, 296.

[2] Appian, *Bell. Civ.* i. 59.

[3] Vol. i. p. 448.

[4] Appian (*Bell. Civ.* 1, 59) expressly says that the comitia centuriata were thus restored to their old rights, as they had been first organized by Servius Tullius. If Appian imagined that Sulla attempted to reintroduce in his age an organization which had existed in the time of the kings, he must have been very ignorant of the development of the Roman constitution. The old form of the classes and centuries, as it had existed in the beginning of the republic, had long been so thoroughly swept away and superseded by successive modifications, that it had become not only obsolete, but an object of curious inquiries into the antiquities of the past.

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in the constitution of the republic could have been attempted by any statesman who had not ample leisure at his command to prepare it and to see it executed. Appian also speaks of restrictions of the authority of the tribunes, without specifying them in detail. Perhaps he meant no more than what is already implied in the regulation that they should bring no proposals before the people without having first obtained the sanction of the senate. When Sulla carried out his second more radical and comprehensive scheme of remodelling the Roman constitution, one of his principal objects was, as we shall see, to confine the tribunes within the narrowest possible limits. But it is very doubtful whether on the present occasion, when he had little time to spare, he attempted any such sweeping measure.

Mistaken theories of Sulla.

The most superficial examination of Sulla's first attempt to restore the old aristocratic form of government must suffice to show that his work could be of no effect and could not last.[1] Sulla did not rise above the narrow conceptions and hereditary views of the statesmen who had preceded him. He imagined that the power of the senate could be renewed and the political virtues of the sovereign people revived by the restoration of old worn-out forms which were no longer suited to altered circumstances. He did not see, that if the life of the republic could be prolonged, it was necessary to renew the Roman nobility and the Roman people by infusing into it new blood from the whole of Italy. A real and lasting reform might perhaps have been effected, if the unjust privileges of a limited class and a single town had been swept away, if the Italian nobility had been honestly received into the Roman senate, and some rational mode had been found for distributing the mass of the Italian peoples among the Roman citizens in such a manner that the rights of those who lived nearer the common political centre and of those who lived farther off might be equalised. But it

[1] Mommsen's (*Röm. Gesch.* ii. p. 263) remarks on the futility of Sulla's first reform are quite correct.

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was an idle attempt to seek a remedy for existing evils in a revival of worn-out institutions. The restorations effected by Sulla were doomed to be speedily and ignominiously overthrown.

Departure of Sulla for Greece.

If Sulla could have remained in Rome to govern the state for some length of time, his plans might possibly have been carried into execution and his constitutional changes might have been permanent. But the aspect of affairs in Asia and Greece was so threatening that the presence of a firm hand was imperatively needed, if the authority and the dominion of Rome were to be maintained in those countries. Sulla had the greatness of the republic too much at heart to hesitate in the performance of his paramount duty, and therefore, risking rather the permanence of his new institutions than the safety of the state, he left Rome with his army and proceeded to the seat of war in Greece.

Arrangements of Sulla before leaving Rome.

Undoubtedly it would have been an easy matter for him with his six legions to make himself the acknowledged master of Rome. At any rate he might easily have crushed all opposition by exterminating or expelling every man of note of the opposite party. But he preferred to make a sort of compromise with them by consenting that for the year 87 B.C. the consulship should be occupied by Cornelius Cinna, a man who actually belonged to the party just overthrown, but apparently moderate and now exhibiting great zeal for the realisation of Sulla's plans.[1] Sulla flattered himself that he could make sure of Cinna's sincerity by making him publicly take a solemn oath that he would respect and in no way attack the new order of things. At the same time Sulla selected Cneius Octavius, a man of his own party, to be Cinna's colleague in the consulship, hoping thus by his moderation and by the balance of the two opposite parties to secure the permanence of peace. As a last resource, in case he should be mistaken, he had the command of a large army, fully attached to his person, and thus he possessed the means

[1] Dio Cass. *Frag.* 102.

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of overawing or punishing his enemies, if they should attempt to disturb the settlement just made.

State of feeling among the Italian allies.

Nevertheless Sulla had not yet left Italy, before premonitory signs appeared of a new impending revolution. The peace with the Italian nations had unfortunately not been entirely restored when the internal party struggles broke out in Rome. At the close of the second year of the war (89 B.C.) the Romans, as we have seen,[1] had everywhere so decidedly gained the upper hand, that the war might almost be regarded as at an end. The Italian confederation was dissolved more by the concessions of the Romans than by their military superiority. Most of the insurgent towns and peoples were ready to accept a full political union with Rome instead of the total separation and independence which they had at one time aimed at. The Samnites alone and a few communities of other Sabellian races in the south could not bring themselves to give up the contest with Rome, which was for them more than a contest for political advantages. It seemed almost that the old spirit of the Samnite people and the remembrance of their obstinate rivalry with Rome had been revived, and that again the Samnite bull was whetting his horns to attack the Roman wolf.

Recovery of Bovianum by Pompædius Silo.

After the giving up of Corfinium and then of Bovianum as capitals of the Italian league, the insurgents who still persisted in hostility to Rome had selected the strong fortress of Æsernia[2] as the centre of their military operations and seat of their federal government. Again five prætors were elected, among them the foremost remaining general of the Italians, the Marsian Pompædius Silo, who was resolved to continue the war even after his own special countrymen the Marsians had submitted to Rome. He collected an army of thirty thousand men and succeeded in retaking Bovianum from the Romans. Besides Æsernia there were two more important towns which still held out against Rome. These were Nola in Campania and the old Latin colony of Venusia in Lucania. This shows that

[1] Above, p. 218.

[2] On Æsernia, see above, pp. 199, 202, 218.

the Romans had still serious work on hand near home. Apart from the forces required for the war with Mithridates, they were obliged to keep several armies under arms in Italy. CHAP. XVI.

Conditions of the struggle in Apulia and Lucania.

Sulla, who, with the bulk of the Roman troops, was in Campania, had expected, before starting for Greece, to be able to reduce at least Nola. The civil disturbances which compelled him to march upon Rome and to occupy himself with internal affairs prevented him from accomplishing this. Yet he effected the conquest of all the smaller Campanian towns. In Apulia the Roman general Cosconius was succeeded by Quintus Metellus Pius, son of Metellus Numidicus, and like his father a most bitter enemy of Marius. Metellus was so far successful that he regained possession of the important town of Venusia, where he is said to have made three thousand prisoners.[1] In Lucania and Bruttium the insurgents maintained themselves under Lamponius, Clepitius, and Pompædius Silo with such determination [2] that they even attempted to seize Rhegium with a view of spreading the war into Sicily, an undertaking in which they were foiled by C. Norbanus, the governor of Sicily.[3] In the north Pompeius, the conqueror of Asculum, continued still in command, although all hostilities on a large scale were over. He was occupied with restoring order in the districts disturbed by the war and receiving the submission of those insurgents who were tired of longer resistance.[4] Perhaps he had also to watch the Gauls, and to prevent their sending assistance southward in aid of the insurgents still in arms.

Defeat and death of Pompædius Silo.

The prospects of the Italians still in arms were accordingly far from being quite hopeless. But now they suffered a blow which proved to be the deathblów of the insurrec-

[1] Diodor. xxxvii. 2, 10.

[2] Diodor. xxxvii. 2, 11, 13.

[3] The same Norbanus who acted a popular part as prosecutor of Q. Servilius Cæpio (above, p. 94), and was afterwards himself accused of the crime of *maiestas*. Above, p. 118, n. 8.

[4] Liv. 76: Cn. Pompeius proconsul Vestinos et Pelignos in deditionem accepit (this was probably a continuation of his proceedings mentioned above, p. 213). Marsi quoque pacem petierunt.

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Collapse of the Italian cause.

tion. The heroic Pompædius Silo was overthrown in a great battle by a Roman army under Mamercus Æmilius; he lost six thousand men, and soon afterwards was himself killed in a second battle fought against Metellus.[1] With him the soul and spirit of the whole movement was gone. Although Nola and Æsernia, and perhaps several other isolated fortresses, still held out, and although thousands of brave men were still resolved to continue the struggle at any price without the least prospect of ultimate success, yet from this time there was no longer unity of plan or cohesion among the enemies of Rome. Their own strength was almost exhausted. For a short time they had hoped to obtain help from Mithridates. But when this potentate had declared that he would send an expedition to Italy as soon as he should have reduced into his power the whole of Asia and Greece, it was evident that nothing could be expected from him. The war, which is said to have cost Italy more than three hundred thousand lives, and which had desolated vast districts, was practically at an end. The object of those among the allies who had aspired to nothing beyond their admission into the Roman franchise was obtained, at least nominally. But as the nobles proposed to effect this admission in a way which would reduce its benefits to a minimum, and as the democratic party insisted upon a fair and full execution of the agreement by admitting the Italians with the old citizens into all the tribes without distinction, there remained a point of dispute by which those of the allies who were not satisfied would intrude themselves into the internal disputes of Rome, to side with the popular party, and thus to continue the old battle for the weakening of their adversaries on a new field. Thus it happened that in the disturbances which broke out between Cinna and the optimates soon after Sulla's departure, the former and his party could call the Italians to side with them, and chiefly by their aid suc-

[1] Appian, *Bell. Civ.* 1, 53. Aurel. Vict. 63. According to Orosius, v. 18, the last battle was fought against Sulpicius.

ceeded in maintaining their power during Sulla's absence. The Social war merged into the civil war, which will claim our attention when we shall have passed in review the victorious career of Sulla in the greatest and most glorious series of campaigns carried out by any Roman general before Julius Cæsar.

CHAPTER XVII.

THE FIRST WAR WITH MITHRIDATES. 88–84 B.C.

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Roman oppression in the province of Asia.

THE Romans had been in possession of the Pergamenian kingdom for almost half a century, by virtue of the alleged testament of King Attalus. The new acquisition, which became a Roman province under the name of Asia, had been virtually handed over, by a law of C. Gracchus,[1] to the farmers of the revenue to be systematically plundered. Being the wealthiest country in the possession of the republic, the province of Asia attracted in crowds the Roman merchants, money-lenders, and adventurers who vied with the annual governors and their staff in rapacity and reckless cruelty. The Asiatic cities, hitherto rich and prosperous, soon began to feel the influence of the oppressive government of Rome, like every other province on which she laid her benumbing hand. In a very short space of time the ill-used provincials began to look upon the government of their native kings, with all its harshness and despotic rigour, as a lost happiness, which it was their devout wish to see restored.

Independent states of Bithynia and Cappadocia.

By the side of the Roman province several ancient principalities continued to maintain their independence, Bithynia and Cappadocia being the most important. The former of these had at the time of the Syrian war been governed by the contemptible Prusias, the devoted client of Rome,[2] and after his death it remained subject to his successors, all of whom bore the name of Nicomedes. The latter comprehended in former times the whole width of the peninsula of Asia Minor, in its eastern portion, where it is connected with the larger portion of the continent,

[1] Vol. iv. p. 464. [2] Vol. iii. p. 277.

from the Taurus range, the northern boundary of Cilicia, up to the Euxine Sea in the north. But this country had been long split into two parts, Cappadocia proper, in the middle part of the peninsula, and Pontic Cappadocia, called also simply Pontus, the country stretching from the northern slope of the Armenian mountains to the sea, and extending eastward as far as Colchis, westward to the river Halys.

Causes of this independence.

This country had never been incorporated with the Persian monarchy—at least it was never governed by a satrap sent by the Great King; nor was it conquered by Alexander the Great.[1] The native princes owed this happy independence partly to their geographical position in the northern extremity of Asia Minor, partly to the ruggedness and sterility of a great part of their possessions. When Antigonus made the attempt to establish a Macedonian satrapy in Pontus, he was successfully resisted by a chief who bore the name Mithridates, derived from the Persian god Mithras,[2] and, to indicate his opposition to the Macedonian conquerors, boasted of his descent from one of those Persian nobles who, in conjunction with Darius Hystaspes, had overthrown the usurper Smerdis.[3]

Rise of the kings of Pontus.

A succession of Pontic princes now governed the land unmolested, and, as it seems, hardly noticed by the great powers. But when towards the end of the second century before our era a prince or king of Pontus called Pharnaces obtained possession of the important naval station and commercial town of Sinope, one of the flourishing Greek settlements on the Pontus Euxinus, the political condition of the country underwent a change. It had now become a maritime power, and its former isolation was succeeded by international relations with other states. This was shown even at the time of the third Punic war; for in it Mithridates V., surnamed Euergetes, sent an auxiliary

[1] Justin, xxxviii. 7, 2.

[2] Strabo, xii. 1, 4.

[3] Polyb. v. 43, 1. At a later period this descent does not seem any longer to have satisfied the Pontic princes, and they did not hesitate to call themselves the direct descendants of the royal house of Persia.

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force of ships and men to support the attack on Carthage.[1] Thus the first intercourse between Rome and Pontus was one of friends and allies, and it is probable that the honourable title of *socius* and *amicus* of the Roman people, so much coveted by foreign potentates, was even then bestowed upon the king.

Friendship between Rome and the kings of Pontus.

The friendship with Rome became still more intimate when, at the time of the rising of Aristonicus, 131 B.C., the king of Pontus, like Ariarathes, king of Cappadocia, took up arms for Rome and helped to crush the revolt. As a reward for this service the king of Pontus received from Rome, as an addition to his kingdom, the district of larger Phrygia.[2]

Death of Mithridates Euergetes. Career and character of his son.

About the year 121 B.C. Mithridates Euergetes was the victim of a conspiracy in which his own queen seems to have had a part. At any rate she succeeded him in the government, which she carried on in the name of her son Mithridates, at that time thirteen years of age, or, according to another report, only eleven. This boy, whose prospects of a peaceful enjoyment of his hereditary rights were so gloomy and precarious, grew up into the man, second only to Hannibal in inextinguishable, life-long hostility to Rome, as also in military genius; the man who with one blow overthrew the Roman dominion in Asia, carried the war into Europe, united almost the whole eastern world in an attack upon the republic, and resisted for five-and-twenty years the first generals of his time—a Sulla, a Lucullus, and a Pompeius.[3] Mithridates has

[1] Appian, *Mithr.* 10.

[2] As we learn from Appian's narrative (*Mithr.* 12–13; compare below, p. 254), this donation was not effected without bribery, to which the Roman negotiator Manius Aquillius was accessible. Reference is made to this transaction in a fragment of a speech of C. Gracchus, who divided the Roman agents into three classes—such as accepted money from Mithridates, such as took it from Nicomedes of Bithynia, and such as took it from both.

[3] Justin, xxxvii. 1, 7: Mithridatis ea magnitudo fuit, ut non sui tantum temporis, verum etiam superioris ætatis, omnes reges maiestate superaverit, bellaque cum Romanis per xlvi annos varia victoria gesserit, cum eum summi imperatores, Sulla, Lucullus ceterique, in summa Cn. Pompeius, ita vicerint, ut maior clariorque in restaurando bello resurgeret, damnisque suis terribilior

not inappropriately been called the Great, if that name is due to a man who, by his own personal energy, with small means undertakes and carries out great things. At any rate he proved a more formidable enemy to Rome than those rulers of Macedonia and Syria who styled themselves the successors of the great Alexander, and if he has not acquired a title to the admiration of succeeding ages, he has left a name behind which can never be pronounced without respect.

Roman judgments of his character.

The Romans could never rise to the elevation of mind that is just to enemies. As they found a patriotic pleasure in slandering Pyrrhus, Hannibal, Perseus, and Jugurtha, they did all in their power to blacken the memory of Mithridates.[1] But we are not obliged to accept as impartial truth all that they say of his barbarity, his faithlessness, his sanguinary cruelty, and all his other sins and vices. We may be sure, even without external evidence, that much of this is untrue, or at least exaggerated.[2] Not less certain is it that a ruler must have possessed ability and even genius who succeeded in

redderetur. Denique ad postremum non vi hostili victus sed voluntaria morte in avito regno senex herede filio decessit.

[1] One exception should not be overlooked. Velleius (11, 18) gives the following characteristic: Mithridates Ponticus rex, vir neque silendus neque dicendus sine cura, bello acerrimus, virtute eximius, aliquando fortuna, semper animo maximus, consiliis dux, miles manu, odio in Romanos Hannibal. The judgment and sincerity of Velleius have hitherto not been sufficiently acknowledged, especially in that part of his history which deals with the life of Tiberius. Appian (*Mithr.* 112) says of Mithridates: φονικὸς δὲ καὶ ὠμὸς ἐς πάντας ἦν. Yet he admits that τὸ φρόνημα δι' ἣν ἀεὶ κἂν ταῖς συμφοραῖς μέγας καὶ φερέπονος.

[2] Compare the sensible remarks of Merivale, *History of the Romans under the Empire*, i. p. 34: 'The character of the great king of Pontus has come down to us laden with all the crimes that the malevolence of his rivals could fasten upon it; and in estimating it we must never forget that the sources from whence our historians drew their information were the contemporary narratives of unscrupulous adversaries. . . . We have too many proofs of the malignity of the Roman writers to pay any respect to their estimate of the character of their enemies. The abilities which the eastern despot exhibited may naturally raise a prejudice in his favour; and when we consider in addition the moderation and magnanimity which he displayed on several occasions, we shall be less inclined to find explanations of the atrocities imputed to him in the personal cruelty to which the Romans referred them.'

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building up a powerful kingdom out of such unpromising heterogeneous elements, in training half-savage tribes to civil and military order, and maintaining his power during a long life. Brutal cruelty, cunning, and treachery, even military ability alone, are not sufficient to secure such results. Qualities are wanted which impartial history must acknowledge to be the virtues of a wise and beneficent ruler. It is impossible to deny that Mithridates possessed such virtues in a high degree, virtues which remind us of Hannibal, Viriathus, Masinissa, Philip, and Alexander, and, to name one character of modern times, Peter the Great of Russia. One thing only was wanting—final success.

Greek education of Mithridates.

Mithridates was born and bred at Sinope, the centre of Greek commerce and enterprise in the countries round the great basin of the Euxine, and, since the conquest of the father of Mithridates, the principal town of the Pontine kingdom. Sinope was a Greek town as much as Miletus or Alexandria, and thus the education of Mithridates was essentially Greek, a circumstance which in a large measure explains his intellectual superiority, and enabled him more easily to control and sway the barbarians subject to his sceptre.[1] That he had a thorough and comprehensive grasp of the whole culture of the Greeks can be neither maintained nor denied. But his acquaintance with the language and literature of the Greeks, with their art and sciences, their political and military principles, must have been wide enough to place immense intellectual resources at his command, and to distinguish him completely from the purely Asiatic rulers of the Armenian and Parthian kingdoms. He certainly found his chief support in Hellenic civilisation. It was among

[1] We are justified in thinking highly of the mental powers of Mithridates. Nevertheless we must characterize as a ridiculous exaggeration what is related of his knowledge of twenty-two languages. Probably somebody had declared that Mithridates did not understand Greek alone, but also the language or languages of his native Asiatic subjects. To make this vague statement circumstantial, some over-clever narrator counted up twenty-two names of tribes subject to his sway at one time or another, imagined that each of these spoke a distinct language, and inferred that Mithridates must have been able to converse in each.

Greeks that he selected his ablest servants in peace and war, and he showed his clear judgment and his superiority over the paltry envy and jealousy of the common run of Asiatic despots by his happy selection of ministers and by the unwavering continuance of the confidence which he placed in them.[1] These qualities are to be valued the more highly, as after all he was not able entirely to root out the innate element of his Asiatic character, in which distrust and faithlessness form a considerable ingredient, and as from his earliest youth he had to battle with intriguing and insidious enemies, and was always obliged to be on the watch for schemes against his life and dominion.

Anecdotes told of the early years of Mithridates.

The youth of Mithridates has been early adorned with an almost supernatural halo of wonderful events and adventures.[2] In the year of his birth (about 130 B.C.), as in that of his accession, terrifying comets shone by night with the brightness of the midday sun, and stretched their tails over a full quarter of the sky. The child's guardians turned traitors and sought his life.[3] He became by

[1] It is interesting to compare the conduct of Antiochus and his treatment of Hannibal. Vol. iii. p. 94.

[2] Justin, xxxvii. 2.

[3] Justin, xxxvii. 2, 4: Puer tutorum insidias passus est, qui eum fero equo impositum equitare iacularique cogebant. Qui conatus cum eos fefellissent, supra ætatem regente equum Mithridate, veneno eum appetivere. Quod metuens antidota sæpius bibit, et ita se adversus insidias exquisitis tutioribus remediis stagnavit, ut ne volens quidem senex veneno mori potuerit. These silly stories have been implicitly believed till now. Among the antidotes which the ingenious Mithridates discovered in his youth and tried all his life, was one of particular efficacy which bore his own name. The receipt for this drug, written by the king's own hand, and preserved among his secret papers, was, as we are informed by Pliny (*Hist. Nat.* xxiii. 77), discovered by Cn. Pompeius, and at his order translated by his freedman Lenæus. Pliny's report of this wonderful receipt deserves to be read in the original: In peculiari commentario ipsius manu compositionem antidoti, e duabus nucibus siccis, item ficis totidem et rutæ foliis viginti simul tritis addito salis grano; et qui hoc ieiunus sumat, nullum venenum nociturum illo die. It is surprising that this simple remedy has never been generally applied. But the medical genius of Mithridates was not confined to the discovery of one antidote. He had found out by experience that the blood of Pontic ducks was also efficacious as an antidote because they feed on poisonous herbs (Gellius, xvii. 16. Plin. *Hist. Nat.* xxv. 3). It was then, and perhaps is now, believed that certain precious

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necessity bold and crafty, fled from the royal palace, and evaded his persecutors for years by roaming through the woods, living by the chase of wild beasts, and leading the life of a homeless adventurer. Thus his body was strengthened and he grew up hardened to every feat of daring or endurance, a matchless horseman and soldier. Afterwards he came into possession of his rightful throne by force, killing his brother and imprisoning his mother. Then, like Peter the Great, he suddenly left his kingdom and travelled about in Asia, in order to study foreign lands and peoples. On his return he found treason at home, and punished his queen and his sister with death for having conspired against him.

Ambition and plans of Mithridates.

Seizing the government with a firm hand, he immediately set about the task of extending his dominions over the coastlands of the Euxine eastward and northward. He subdued Colchis, so long the land of fables, the country of the Bosporani on the Tauric peninsula and round the coasts of the Mæotic Sea, with all the Greek settlements round about. He carried his victorious arms into the steppes of Sarmatia, subjected the Roxolani, the Bastarni and Scythians, and all the warlike tribes far to the westward even to the mouths of the great river Ister and to the confines of Thrace, countries which up to that time were an almost unexplored world.[1] Thus he became in the full sense of the word the king of the Pontus Euxinus, which his ships commanded as far as the Thracian Bosporus. The political conjuncture was favourable to him. Rome was almost paralysed since the time of the Gracchi by internal disturbances, and too much occupied with the harassing wars with Jugurtha and the barbarians of the north to pay much attention to the affairs of the far East, and to look upon the increase of power of the Pontic kings as likely to disturb their Asiatic possessions. Mithridates

stones possessed magic powers of healing diseases. A certain Zachalias of Babylon demonstrated this in a book dedicated to Mithridates. Plin. *Hist. Nat.* xxxvii. 60.

[1] Strabo, i. 2, 1.

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was thus encouraged to aspire to a further extension of territory, and he began to cast his eyes on Asia Minor as the real seat of a great and powerful dominion.

Struggle between Mithridates and Nicomedes for the throne of Paphlagonia.

On the western confines of Pontus the whole sea coast as far west as Bithynia, with a considerable breadth of land, was known as Paphlagonia, an independent principality governed by its own native princes, all of whom bore in succession the name Pylæmenes. On the death of the last of these princes there seems to have been no native claimant to the vacant throne, and accordingly the two nearest neighbours, Mithridates of Pontus and Nicomedes of Bithynia, a descendant of the wretched Prusias, tried to obtain possession of it. Mithridates was at no loss for a pretext or a legal title. He had learnt something from the Romans, and gave out that the land of Paphlagonia had been formally bequeathed to his father in a testament of the late ruler.[1] Nicomedes was not behindhand. He had a pretender in readiness, whom he called Pylæmenes, and in whose name as rightful heir he claimed to take possession of the land for himself. According to Justin's account[2] the two kings acted in concert, and had agreed to divide the land between them. But such an agreement can hardly be reconciled with the formal claims made by each, while it is clear from what followed that Mithridates and Nicomedes were opposed to each other from the first in a way which rendered combined action impossible. Nicomedes, by the geographical position of his country in close proximity to the province of Asia, was directly exposed to the influence of Rome, while Mithridates, owing to the greater distance of his possessions, was more the master of his own resolutions. It was manifestly the policy of Rome to favour the former, and to make of him an ally who might be useful in a collision with the far more dangerous Mithridates. Rome therefore looked on approvingly when Nicomedes placed his client Pylæmenes as lawful ruler on the throne, and left to him the task of expelling Mithridates from that

[1] Justin, xxxviii. 5, 4.

[2] Justin, xxxvii. 4.

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part of the country which he had overrun and occupied by force. As the Cimbric war was still hanging over Italy, the Romans did not feel themselves justified in taking active steps for the enforcement of their decision.[1] Their hesitation encouraged Mithridates to persist in his enterprise. He had not forgotten that some time before Phrygia Major had been granted to his father as a reward for his services in the war with Aristonicus.[2] This land had been taken from him again in the early part of his reign, or rather before he had secured himself on his throne, under the pretext that Manius Aquillius, the Roman negotiator who had settled the affairs of Asia after the defeat of Aristonicus, had been bribed by Mithridates Euergetes. No doubt this was true,[3] but it was hardly fair to revoke, on the ground that the Roman agents had been dishonest, a gift which had been formally made and sanctioned. Mithridates called it brutal injustice done to a helpless orphan child, and it made him the implacable enemy of Rome. Without heeding the injunctions of the Roman messengers who asked him to withdraw his troops from Paphlagonia, he even invaded Galatia and seized a portion of this land. Rome looked on without venturing to interfere, in the expectation of better times.[4]

The next object for the ambition of the two covetous

[1] It was in the year 103 B.C. that Saturninus laid violent hands on the ambassadors of Mithridates in Rome (above, p. 154). It is probable that this embassy had reference to the Paphlagonian disputes.

[2] Justin, xxxvii. 1, 2; xxxviii. 5, 3. Above, p. 248.

[3] According to Appian (*Mithrid.* 12) Mithridates argued that Phrygia had been given to his father as a reward for his share in the overthrow of Aristonicus, and moreover that he had bought it for a large sum of money. *Φρυγίαν δὲ ἐπινίκιον ἐπὶ Ἀριστονίκῳ παρὰ τοῦ ὑμετέρου στρατηγοῦ δοθεῖσάν τε καὶ οὐχ ἧσσον παρὰ τοῦ αὐτοῦ στρατηγοῦ πολλῶν χρημάτων ἐωνημένην.* Later on likewise (*Mithrid.* 13) Mithridates is accused of having obtained Phrygia by bribing the Roman prætor. We know, moreover, that M'. Aquillius, the prætor, was prosecuted in Rome for the offence and acquitted, in spite of evidence sufficient to prove him guilty of having taken bribes (*σαφῶς δεδωροδοκηκώς*, Appian, *Bell. Civ.* i. 22). No transaction can rest on better concurring evidence.

[4] Justin, xxxvii. 4, 9: Ludibrio habiti legati Romam revertuntur.

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kings was Cappadocia.[1] Nicomedes seems to have been the first to make the attempt to seize this country. The murder of the king Ariarathes VI. served as the ostensible pretext. This murder had been committed by a native insurgent called Gordius, who after the deed fled to Mithridates and remained in his service, where he seems to have occupied an influential position for a long time. The wife of the murdered prince, a sister of Mithridates, took refuge with Nicomedes, who married her, and thereupon invaded Cappadocia to take possession of it for himself. In this attempt he was thwarted by Mithridates, who expelled him by force of arms and established on the throne of Cappadocia his nephew Ariarathes, a young son of the murdered king, giving him the murderer Gordius as guardian and regent. Disputes breaking out between the regent and the young Ariarathes, Mithridates entered the country with an army, and, as is related, cut down his nephew with his own hand.[2]

Contest for the possession of Cappadocia.

In this way one crime is followed by another, and we are bewildered in the vain attempt to unravel the meshes of the dark plots. Neither of the rivals seems to have shrunk from any deed of treachery or murder. In the family of an Asiatic potentate it was easy to find a genuine or spurious son, and so both kings pushed their own interests by putting forward some wretched puppet as the heir of Ariarathes VI., and claimant to the throne. At length Tigranes, king of Armenia, thinking to profit by the disputes of the two rivals, sent an army into Cappadocia to support the king set up by Mithridates against the pretender put forward by Nicomedes. He hoped by the aid he was giving to Mithridates to obtain the alliance of that prince against the Parthian princes who pretended to be the legitimate successors of the kings of Persia, and as such to have claims to the dominion over Armenia.

Interference of Tigranes, king of Armenia, on the side of Mithridates.

In the year 92 B.C., the year before the outbreak of the Social war in Italy, Sulla was in Cilicia as prætor, engaged

Settlement of the quarrel by Sulla.

[1] Justin, xxxviii. 1. [2] Ibid.

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principally in suppressing the piracy which was paralysing the trade of the eastern seas. He was charged with a commission to settle the dispute about the possession of Cappadocia. Sulla performed this task with ability, resolution, and despatch. Taking with him a small body of troops which he had been able to collect in Cilicia, he crossed the mountain range of the Taurus which separated Cilicia from Cappadocia, penetrated into the latter country, drove Gordius and Tigranes out of it, and set up a native called Ariobarzanes as king. Mithridates seems to have been cowed by Sulla's boldness. He yielded to circumstances, withdrew his pretender from Cappadocia, and even promised to evacuate Paphlagonia and to restore independence to the Scythian chiefs whom he had subdued. It was more the terror of the Roman name than the arms of Sulla that produced such a rapid and decisive result. Sulla could go so far as to assume the attitude of supreme arbiter of all Asia. He called before him not only Tigranes, the king of Armenia, but also a messenger of the great king of Parthia, who pretended to be legitimate successor of Cyrus and Darius, and looked upon the dominion of all Asia as belonging by rights to him. Sulla was thus the first Roman who entered into direct relations with this prince, and with true Roman pride he insisted on occupying the place of honour and taking his seat between the Armenian and the Parthian in the conference which took place in the neighbourhood of the Euphrates.

Expulsion of Ariobarzanes, and death of the Bithynian king Nicomedes.

Sulla's mission was to all appearance a complete success. He could boast on his return to Rome that he had settled the affairs of Asia.[1] But in reality very little had been effected. Ariobarzanes, the king placed on the throne of Cappadocia by Sulla, was utterly incompetent to fill a position of so much danger. His opponents, though yielding for the moment, waited only for an opportunity to recover what they had lost. Nor had they to wait long.

[1] On his return Sulla was threatened with a prosecution for bribery by a certain C. Censorinus. The action was never brought, and the reasons for this are not reported.

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The very next year (91 B.C.) threw the Roman commonwealth into renewed convulsions. The agitation of Livius Drusus and the great insurrection of the allies throughout Italy paralysed the action of Rome in her foreign relations and tempted the Asiatic princes to resume their plans of conquest. On the instigation of Mithridates Gordius and Tigranes again invaded Cappadocia, and found no difficulty in expelling the weak Ariobarzanes, who had no alternative left him but to hasten to Rome and there implore help. About this time Nicomedes II. of Bithynia died, and his death opened the prospect of a war of succession in this kingdom also, which was of the greatest importance to Rome as the principal outwork of their Asiatic dominions. Mithridates prompted a younger son of the late king's, called Socrates the Good (Chrestos), to claim the throne for himself, and invaded the country with an armed force to expel the elder brother Nicomedes III., the rightful heir and successor. There was reason to apprehend that if both Cappadocia and Bithynia fell into the hands of a power hostile to Rome, the province of Asia might be exposed to serious danger. It was high time for Rome to show the utmost energy, and to put a stop to the aggressive policy of Mithridates and Tigranes.

Mission of Manius Aquillius to Asia.

Meanwhile the Social war had broken out, and the Romans were beset with far more serious questions than the restoration of peace and order in the far East. No army could be spared for foreign service, and the senate could do nothing but send an ambassador to Asia and attempt to gain its ends, as had often been done before, by gentle persuasion backed by the magic power of the Roman name. Unfortunately, the man sent out with this delicate commission thought differently. His very name was ominous. It was the same as that of his father, Manius Aquillius, the conqueror of Aristonicus, who had organized the province of Asia and had been induced by the bribes of the elder Mithridates to award to him the province of Phrygia Major.[1] Aquillius was a brave

[1] Above, p. 248, n.

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and meritorious officer, but, like his father and all the members of the Roman nobility, he looked upon the public service as the means for accumulating a fortune. He had been engaged in the servile war in Sicily,[1] and bore the proofs of his military courage in honourable scars on his breast. But after the overthrow of the slaves he had been accused of embezzlement, and had escaped condemnation only through the skilful defence of M. Antonius, the first forensic orator of the time.[2] In nominating him for the embassy in the East, where his father had earned such scandalous notoriety, the senate made a very unlucky choice. On his arrival in Asia he found a small force under the command of the prætor L. Cassius, and thought that with this body of men and some additional levies that might be hurriedly made, he could impose upon Mithridates and act with becoming authority. It appears that meanwhile Nicomedes of Bithynia had been able to beat off the attack of his brother Socrates, and that the latter had been murdered, as was alleged by Mithridates himself, who by this treacherous deed wished to conciliate the favour of the Romans. The fact is that up to this time he had not taken any open steps which might justify a declaration of war against him. All that he had hitherto done in the matter of the Cappadocian succession had been done indirectly through Gordius and Tigranes. Mithridates himself still wore the mask of a friend and ally of the Roman people.

His imperious treatment of Mithridates.

It was therefore possible for Aquillius to treat him as well disposed, and to call upon him to co-operate with Rome for the restoration of order, and for placing Ariobarzanes again on the throne of Cappadocia. Mithridates had now to take up a decided position. Whilst he was hesitating what to do, Nicomedes, at the instigation of the Romans, advanced against him with an armed force, and threatened the town of Amastris on the Paphlagonian coast, which, as we infer from this incident, was held by

[1] Above, p. 146.

[2] Cicero, *Verr.* v. 1. *De Orat.* 28, 45, 47.

Mithridates at that time, and had probably fallen into his hands when he first invaded the country after the death of the late king. Mithridates now appealed to his right as an independent king and as an ally of Rome, and asked that the Romans should either protect him from the attack of Nicomedes, or not interfere if he defended himself, adding that he was ready to lay the quarrel before the Roman senate, and to abide by its decision. Nothing could be more reasonable than this request. But the Roman agent, without waiting for further instructions from home, thought that he could go so far as to demand from Mithridates unconditional submission. He may perhaps have been dazzled by the brilliant result of the mission of Sulla, who had carried his point without having a great military force at his command. He therefore addressed Pelopidas, the representative of Mithridates, in haughty terms, and peremptorily ordered his master to abstain from attacking Nicomedes, though the latter was the aggressor and was continually advancing. It seems that this advance convinced Aquillius that Mithridates was unable to resist, and he resolved to crush the troublesome barbarian at once. Having collected three considerable corps, he took up a position on the frontiers of Pontus and in Cappadocia, with L. Cassius and Q. Oppius in command under him. The first year of the Social war was meanwhile past, and Rome had weathered the storm. The hope might be entertained that bold action would also in Asia be crowned with success, and Aquillius thought that he was the man to achieve it.

Ruinous miscalculation of Aquillius.

But these calculations were made in total ignorance of the man with whom he had to deal. Mithridates, it is true, had hitherto avoided an open rupture with Rome; but it was prudence, not cowardice, that had thus far restrained him. The Romans were soon to learn the daring character of the man whose hostility they now provoked with a light heart. Mithridates, on discovering that it was the settled determination of the Romans to treat him as an enemy, turned to bay and undertook the

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contest with the whole energy of his untamed spirit, giving a free course to the passions long nursed and hidden in his breast. He showed that he was not only a hero, but a barbarian, and henceforth was not content with resistance and defence alone. He was breathing revenge, and his audacious aim was to expel the Romans from the dominion of Asia, nay, to renew the attempt of Pyrrhus and Hannibal, and to aim a deadly blow at the centre and seat of the Roman power in Italy.

Resources of Mithridates.

At the time when the war with Rome broke out, Mithridates was in the full vigour of manhood.[1] His whole life hitherto may be regarded as a preparation for the great contest which was to be the task of his life. He had gone through the school of a soldier and a general. His fleet of four hundred ships of war commanded the Euxine Sea as far as the Bosporus. His army, composed of the warlike tribes of the mountainous districts in north-eastern Asia Minor, the Caucasus, and the steppes of the Crimea and Southern Russia, was drilled and commanded by excellent leaders, and is said to have amounted to two hundred and fifty thousand foot and forty thousand horse. This huge force, it is true, had no unity of organization, equipment, or national feeling. It resembled in its motley composition the hordes which the kings of Persia, and afterwards those of Syria, used to collect, and which small armies of Macedonians or Romans had scattered like chaff. But the more must we admire the genius of Mithridates and his generals, who with such troops were able to resist for years, and not without credit, the tried discipline of the Roman legions and their ablest and most experienced leaders.

Alliances of Mithridates.

To strengthen his own resources Mithridates had rivetted the friendship of the Armenian king Tigranes, by giving him his daughter in marriage, and by concluding with him a formal alliance, in which it was stipulated that

[1] He was about thirty-six years old, and his nominal reign had extended to twenty-three years, of which a great portion was occupied by the regency of his mother. Justin xxxviii, 8, 1.

in the conquests to be made in Asia Tigranes was to receive all the movable booty.[1] At the same time the latter received a promise of help from the king of Pontus in case the Parthian king should try to make good his claim to the inheritance of Darius by threatening the independence of Armenia. Not content with this alliance, Mithridates tried to strengthen his position by good relations with Syria and Egypt, whence he procured experienced sailors for his fleet, and no doubt expected to obtain other material aid. His messengers went even to the king of Numidia, to the warlike tribes of Thrace, and to the insurgent Italians, endeavouring everywhere to stir up or to inflame hostility to Rome by holding out the prospect of his co-operation with them. But his most eager and useful allies he found in his immediate neighbourhood among the populations and in the cities of the Roman province of Asia. Here the weight of Roman rule,[2] the exactions and vexations of the tax-gatherers, the rapacity and cruelty of the governors, the injustice practised by the Roman courts under the judges of the equestrian order, had generated such deep-seated hatred of everything Roman, that any deliverer from this servitude was sure to be hailed with enthusiasm.[3]

State of feeling in Macedonia and Greece.

These feelings of hostility were shared to an almost equal degree by the people of Greece and Macedonia, which had now been so long under the grinding dominion of Rome, that in addition to their freedom and independence they had lost all that had been left to them of their former wealth and prosperity. Mithridates was therefore

[1] Justin, xxxviii. 3, 5. This agreement was essentially the same which the Romans themselves had made with the Ætolians in the Hannibalic war. See vol. ii. p. 411.

[2] Justin (xxxviii. 7, 8) attributes the following words to Mithridates: Tantumque me avida expectat Asia, ut etiam vocibus vocet; adeo illis odium Romanorum incussit rapacitas proconsulum, sectio publicanorum, calumnia litium.

[3] Comp. Merivale, *History of the Romans under the Empire*, i. p. 34: 'It is evident that even the capricious tyranny of Oriental despotism was preferred to all the benefits of European civilisation, blighted as they were by the systematic rapacity of the Roman governors.'

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justified in his expectation of meeting with a hearty welcome in Greece, if he appeared as the deliverer from Roman bondage.

Growth and extent of piracy.

The detestable government of Rome had, indeed, not only alienated the provincials by direct oppression; it had by its incompetency and negligence exposed them to be plundered, and their trade to be disturbed, by an ever-increasing band of sea robbers. These outlaws were, as the enemies of Rome, the natural allies of Mithridates. They had grown to be a real power. Their ships were seen and dreaded in every corner of the eastern seas, and they not only preyed on the property of private traders, but molested fleets of transport belonging to the state, and in fact made the communication between Rome and her transmarine possessions precarious and irregular.

Fidelity of the Rhodians to Rome.

From the spirit of general disaffection and hostility to Rome only a few towns remained free, and the foremost of these was the spirited island-commonwealth of Rhodes. It was most fortunate for Rome that Rhodes had not been deprived of its independence at the time when, after the war with Perseus, a few shortsighted and avaricious men were anxious for the punishment of this trusty old ally and for the annexation of the island. The sturdy Cato had then honestly opposed the schemes of selfish men, and his policy was now brilliantly justified.[1] Independent Rhodes rendered more essential service to the republic than the enslaved province. She resisted the first onset of the Asiatic conqueror, and the Rhodian fleet became the kernel of that naval power which enabled the Romans to pass on from the defensive to the offensive, and to reconquer the coasts and islands which Mithridates had gained over to his side or subjugated.

Defeat of the Bithynian king by Mithridates.

In the spring of 88 B.C., when the negotiations with Aquillius had been finally broken off, Mithridates threw himself with a great force upon the king of Bithynia, and at one rush upset this prop of the Roman power. The two brothers Neoptolemus and Archelaus, who led the

[1] See vol. iii. p. 269.

Pontic army with great ability, defeated the Bithynians in a decisive battle, and captured their camp with all its rich spoil, and a number of prisoners. The latter were treated by Mithridates as Hannibal had treated the captured allies of the Romans. He allowed them to depart to their respective homes unharmed, and thus made friends for himself in every part of the country where the liberated men spread the report of his generosity.

Defeat of Aquillius.

The loss of his army was for Nicomedes the loss of his kingdom. He fled for protection to Manius Aquillius. But Archelaus had not paused after his victory. He immediately advanced upon Aquillius, compelled him to retreat, attacked him on his march, and defeated him so completely that the Roman camp also was captured. With great difficulty Aquillius crossed the river Sangarius, and at length reached Pergamum, where for a time he was safe.

Retreat of L. Cassius.

Nicomedes now sought help from the third army under L. Cassius. But this also was unable to keep its ground after the defeat of the other two, and was compelled to retire into Phrygia. Here Cassius occupied a strong position (the Lion's Head, probably an isolated group of hills), and tried to drill the raw recruits whom he had brought together into something like military fitness. But when he saw that this was in vain, he allowed them to disperse, and retreated to Apamea Kibotos, near the sources of the Mæander, and thence to Rhodes.[1]

Surrender of Q. Oppius.

Meanwhile Ariobarzanes, the king of Cappadocia set up by the Romans, and Quintus Oppius, the third Roman general, had been driven out of Cappadocia by Ariarathes, a son of Mithridates,[2] and had been compelled to join in the general retreat. In Laodicea on the Lycus, a tribu-

[1] Appian relates (*Mithrid.* 112) that he afterwards fell into the hands of Mithridates; but this seems doubtful.

[2] It was probably now that Mithridates for the first time put forward a formal claim to Cappadocia as an old inheritance of his house. Had he done this before, it would not have been possible for him to remain nominally at peace with the Romans, who in establishing a king of Cappadocia would have come into collision with him as a pretender.

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tary of the Mæander, Oppius tried to make a stand. But when Mithridates came up and promised to spare the inhabitants if they gave up the Roman general, they let the mercenaries out of the town and sent Oppius as prisoner to Mithridates, compelling his lictors, in derision of his fallen state, to walk before him with their fasces. Mithridates carried the captured Romans about with him, and exhibited them to the astonished natives of Asia to convince them that they were not invincible. But he inflicted on Oppius no further disgrace or punishment. He bore him no special grudge, and afterwards sent him back to Sulla unharmed.[1]

Capture of M'. Aquillius.

Very different was his treatment of Manius Aquillius, the instigator of the war. This unfortunate man, as we have seen, had fled from the battle-field to Pergamum. Here he was not able to remain long after the total collapse of the Roman power. He accordingly betook himself to the island of Lesbos with the intention of making his way to Rhodes, to which the fugitives flocked from all sides as to a place of safety. But he fell sick at Mitylene, and was given up by the people of that town. According to Appian's report, his fate was terrible. Mithridates caused him to be chained, placed upon an ass, and taken about from place to place as an object of derision and mockery for the multitude. Everywhere the unhappy man was exhibited for show, and compelled with his own voice to proclaim his name and rank. To vary his torture, he was sometimes dragged along on foot fastened to a horseman. At last, on his arrival at Pergamum, Mithridates put an end to his miserable existence by pouring molten gold down his throat, in order, as he said with cruel mockery, to 'still his thirst.'[2] If this story be true, it shows that Mithridates could be guilty of exquisite cruelty. But it would be unfair to pass over a differing statement of a writer who deserves more credit than Appian, though only a few fragments of his work have been preserved. Licinianus tells us that when peace

[1] Appian, *Mithrid.* 112. [2] Appian, *Mithrid.* 21.

was concluded between Mithridates and Rome, Manius Aquillius was still alive, and that his surrender as well as that of Oppius was one of the conditions of that peace. We need not hesitate to give the preference to this version; and we are perhaps justified in inferring from this single instance of the perversion of truth by one class of Roman writers, that in many other instances the cruelties of Mithridates have been exaggerated or invented.[1]

Entry of the fleet of Mithridates into the Ægean Sea.

Whilst these operations against the several Roman armies were going on, Mithridates showed no less spirit and enterprise by sea. The allied fleet of Roman and Bithynian ships stationed at the Thracian Bosporus did not venture to confront the Pontic fleet. The ships parted company, and either took refuge in places of safety or surrendered to Mithridates.[2] Thus the Ægean Sea was opened to his vessels, and they soon swarmed round all coasts and islands, and spread the report of the downfall of the Roman power in Asia, and of the deeds of the great king of Pontus, who was advancing with a victorious army to deliver the Greeks from bondage.

General enthusiasm for Mithridates.

Almost the whole of Asia was in truth lost to the Romans at one blow. Only a few isolated towns, such as Magnesia on the Sipylus and Stratonicea in Caria, still held out against Mithridates. Everywhere else he was greeted as a deliverer. The inhabitants of the towns opened their gates and came out in solemn procession to meet him. He was overwhelmed with demonstrations of public rejoicing, festivities, honours, and flattery. He was even greeted as the god Dionysus, whom ancient myths extolled as a great conqueror coming from the far East and traversing Asia victoriously on his way to Greece.

Order for the slaughter of all Romans and Italians in Asia.

But the revulsion of feeling went even further than this. Mithridates, knowing and mistrusting the fickleness of the popular temper, adopted a sure means to prevent them from deserting his cause. He issued an order

[1] Licinian. ed. Bonnens. p. 34. We are here reminded of the similar falsifications which have reference to the death of Regulus, vol. ii. p. 78.

[2] Appian, *Mithrid.* 19.

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that on a fixed day all Romans or Italians who were found in Asia should be killed, and their property confiscated.[1] Not one was to be spared; all were to die indiscriminately, whether guilty or innocent, whether men or women, whether young or old. Any one harbouring or protecting them, or helping them to escape, was to suffer the same punishment. Rewards were offered to those who would track or discover them, and slaves were tempted by the promise of their freedom to betray their masters.

Execution of the sentence.

These terrible orders were carried out literally and zealously. The universal hatred of the foreign oppressors was seconded by private revenge and private avidity. Above all others the Italian money-lenders and the farmers of the revenue were now made to suffer for the tricks and cruelties which they had practised for many years. No temple, no sanctuary, no sacred place offered a refuge to the objects of the universal hate. The public sanctuaries were converted into shambles, the bodies of the slain were cast away to be devoured by dogs or vultures. Escape was hardly possible, for the murderers were let loose everywhere at the same time, and everywhere the thirst for blood was the same. Ephesus, Pergamum, Adramyttium, Tralles were the scenes of like horrors. The only difference was that in some places the spirit of revenge was more ingenious in the invention of exquisite tortures. Thus we are told that in Kanos, a town which after the Syrian war had been given to the Rhodians, but was taken from them again after the war with Perseus,

[1] Merivale (*History of the Romans under the Empire*, i. p. 35) is of opinion that the massacre was rather an outbreak of national rage than the execution of an order issued by Mithridates. And this is indeed highly probable, and the conjecture may be supported by the following passage of Appian (*Mithrid.* 23), who, after speaking of the atrocities committed, concludes by saying: ᾧ καὶ μάλιστα δῆλον ἐγένετο τὴν Ἀσίαν οὐ φόβῳ Μιθριδάτου μᾶλλον ἢ μίσει Ῥωμαίων τοιάδε ἐς αὐτοὺς ἐργάσασθαι. It is quite possible then that we have here another instance of the partiality of Roman writers, who, by ascribing the whole guilt to Mithridates, obtained two ends, that of reviling their enemy, and that of concealing the fact of the hatred which they had awakened generally in their subjects.

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the murderers first slew the children before the eyes of their parents, then the women, and last the men.[1]

Numbers of the slain.

The number of persons killed in these massacres all over Asia Minor must have been fearfully high; but we have no means of ascertaining it, as the figures given in the extant accounts vary between eighty thousand and one hundred and fifty thousand, numbers which evidently are nothing but guesses. We may take for granted that the Romans did not understate the amount, as they were anxious to exhibit the deed in the most odious light. It is therefore more than likely that even the smaller number is a great exaggeration. We know also that a certain number of Italians escaped, probably because they foresaw what was coming and effected their flight before the fatal day. The only place of refuge that was perfectly safe was the island of Rhodes; but perhaps a few other islands, such as Cos, gave the fugitives temporary shelter. The faithful Rhodians, who in these days of terror generously forgot the injustice with which they had been treated by Rome after the war with Perseus,[2] encountered the storm which burst upon them when Mithridates, after getting into his possession the whole continent of Asia Minor, turned against the audacious island to punish it and to employ its naval resources in the war he had now to wage with Rome by sea as well as by land.

Determined resistance of the Rhodians to the fleets of Mithridates.

To the disgrace of Rome, which ought to have been the undisputed mistress of the Mediterranean, the Pontic fleet had issued from the Euxine, swept through the Ægean, and now appeared before the port of Rhodes, trying even before the arrival of the land army to force the entrance and take possession of the town. But the Rhodians were determined to offer a resolute resistance. There was in the island no party hostile to Rome, as in every town of the province of Asia, for the Rhodians fortunately had not had to groan under the tyranny of Roman governors and the greed of Roman tax-gatherers. They cheerfully destroyed the suburbs of their town, lest they

[1] Appian, *Mithrid.* 22, 23.

[2] Vol. iii. p. 266.

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should offer shelter to the besiegers; they strengthened their fortifications, closed the harbour with chains, and put their fleet in good order. The sea-fights which immediately followed proved again the superior skill and courage of the Rhodian mariners. All the efforts of the assailants were frustrated even when upon the arrival of his land forces Mithridates invested the town on both sides and made continuous attempts to take it by storm. Forced at length to acknowledge that his enterprise was hopeless, he left his general Pelopidas in Lycia with orders to watch Rhodes, and returned to Pergamum for the purpose of preparing an invasion of Greece.[1]

Position of affairs at the end of Sulla's consulship.

Meanwhile the year 88 B.C., the year of Sulla's consulship, was past. Sulla, who ought in this year to have been fighting with Mithridates in Asia, had been detained in Italy by the disturbances provoked by Sulpicius and Marius. Asia was now lost to Rome, while Europe was threatened. Such was the fruit of the civil disorders of the republic, but more especially of the mad ambition which distracted the aged Marius.

Winter operations of Mithridates.

The winter season of 88–87 B.C. was spent by Mithridates in Pergamum, which city was now no longer the head town of a Roman province, but the capital of the enlarged Pontic kingdom. Mithridates was busy organizing his conquests, appointing satraps for the different provinces, and trying to gain the affection of the inhabitants by promising a remission of all taxes for five years. Confiscations and plunder had filled his treasury so abundantly that he fancied he could carry on a great war without burdening his new subjects, as Rome had done, with taxes. His chief care was to push on his military operations. In order to do this with proper energy and with a unity of plan, he remained himself at the seat of his government, instead of accompanying the army, as he had hitherto done. He was thus enabled to superintend and direct the equipment of the troops, to raise new levies

[1] Appian, *Mithrid.* 24–26.

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and despatch reinforcements. The conduct of the operations he entrusted to his generals and sons.

Capture of Delos and other islands of the Ægean.

The first attack in the spring of 87 B.C. was directed against the islands of the Ægean. As the Romans had nowhere a sufficient force ready for their protection, they fell without resistance into the hands of the king, and the scenes of horror which had been enacted on the continent of Asia were repeated in several of them. The island of Delos, which, after the decline of the commercial prosperity of Athens and Corinth, had been the principal emporium, and had especially gained importance as the chief market for the gigantic slave trade, was occupied by Pontic troops; the resident Italians were killed, and their property confiscated. To whom the island belonged at this time is not quite clear. After the war with Perseus it had been awarded to the Athenians. But it does not seem to have remained long in their possession. Probably the Romans had declared it to be 'free.' It was therefore a happy idea of Mithridates to restore it now to Athens, for by this gift he might hope to gain that important town over to his side. An adventurer who called himself a philosopher of the school of Epicurus, Aristion by name, was despatched by Archelaus from Delos to Athens with the treasures of the sanctuary of Apollo, to deliver them solemnly together with the sovereignty of the island. Aristion took two thousand soldiers with him to serve as his body-guard and as a protection for the costly freight he carried. With such means pecuniary and military, it was an easy matter to gain over the Athenian people of those days. The friends of Rome were killed, plundered, or expelled. Aristion made himself master of the town, which was unfortunately dragged by an act of mad audacity into a war more hopeless and more ruinous for her than any in which she had ever been engaged.

State of feeling in Greece. General

The general feeling in Greece with regard to Rome was much the same as that which prevailed in Athens. Discontent was universal. The intellect of the Greeks,

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wretchedness of the country.

formerly so active and brilliant, had become dull and stagnant, being engaged in no higher aims and deprived of the hope that it could ever again display its inborn originality in any useful or honourable work. The soul of the nation was sickening. The memory of the past, instead of inspiring pride and hope, added to the general despondency. Nor was the national decay only on the intellectual side. Economically the prospects were equally sad. No new wealth was being created. The workshops, markets, and ports, which used in former times to resound with life and activity, with the hum and bustle of thousands, had become more silent and lonely year by year. The noble city of Corinth, plundered, devastated, and reduced to ashes, was not the only heap of ruins in Greece. Almost everywhere might be seen the same desolation, the same want of spirit, enterprise, contentment, and hope; everywhere the same sullen, gloomy despair. Life had lost its ideal charms, and the degenerate race found a pitiable comfort in resignation or in a coarse enjoyment of those sensual pleasures in which they could still indulge.

Advance and retreat of Bruttius Sura from Attica.

Under these circumstances it was possible that even an Asiatic barbarian could inspire the Greeks with new hopes. In the Peloponnesus and almost all other parts of Greece Archelaus was welcomed as a friend. Reinforcements joined him from Laconia, Achaia, and Bœotia. In the last of these districts Thespiæ was the only town that refused to make common cause with him and stoutly resisted when he laid siege to it. The two great fortresses, Chalcis and Demetrias, which of old were of such paramount importance for the military command of Greece,[1] appear to have been held by sufficient garrisons, and resisted successfully the investing forces of Mithridates, which could do no more than lay waste the surrounding country.[2] With the exception of these few places all Greece was open to the invaders, for Roman troops seem to have been nowhere stationed except in Macedonia, where the prætor C. Sentius

[1] Vol. iii. pp. 67, 76, 107, 115. [2] Appian, *Mithrid.* 29

had a small force and a few ships at his disposal. With a portion of these the legate Bruttius Sura proceeded southwards, scattered the Pontic ships, and seized the island of Skiathos, in which the enemies had stored their plunder. Sura advanced as far as Bœotia, where he encountered Archelaus, with whom he seems to have had several not inglorious encounters. He struck for the Piræus, the fortified port of Athens, hoping to reach it in time and to make it the centre of operations by land and sea; but he was too late. The Pontic fleet had preceded him. When Sura heard that the Piræus was in their possession, he was obliged to make good his retreat to Macedonia.[1]

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Critical condition of the Roman power.

Thus for the present all Greece was in the hands of Mithridates and in a state of insurrection against Rome, while the sea was commanded by the Pontic fleet. The forces which Archelaus and Metrophanes, the generals of Mithridates, had brought with them from Asia appear indeed not to have been considerable; and if they had at once been met by an adequate Roman corps, they would have found it hard to hold their ground in spite of the sympathies of the Greeks. But meanwhile Mithridates had collected and organized a large army, which was sent to Greece by the overland route through Thrace and Macedonia. The prospects of Rome were becoming gloomier from day to day. Although the Greeks had no heart in the affair, and no man of any personal importance or influence led the revolt, the whole country was ready

[1] On the military operations of Sura and the amount of his success the reports of Appian (*Mithrid.* 29), and of Plutarch (*Sulla*, 11), differ considerably. Plutarch makes it almost appear that Sura was on the point of driving Archelaus out of Greece (ἐξέωσε καὶ συνέστειλε πάλιν ἐπὶ τὴν θάλασσαν) and that he was stopped in his victorious course by the arrival of Sulla. For upon the order of Sulla to surrender the conduct of the war to him, he left Bœotia in spite of his fair prospect of success (καίπερ αὐτῷ τῶν πραγμάτων ἐλπίδος πέρα προχωρούντων), and returned to Macedonia. According to Appian, however, the campaign between Sura and Archelaus led to no results (ἴσου καὶ ἀγχωμάλου παρ' ὅλον τὸν ἀγῶνα τοῦ ἔργου γενομένου), and Sura retreated because he felt he was not equal to maintain the contest. It seems that Sullanian and anti-Sullanian reports lie at the bottom of these divergencies.

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to favour the enemies of Rome. If Rome permitted the king of Pontus to gain a firm footing in Greece and to hold it for any time, it seemed inevitable that not only the Roman possessions in Asia would be lost, but that the other provinces might be infected with a disloyal spirit; nay, danger might be apprehended in Italy itself, where Samnites and Lucanians were still in arms, and were calling upon Mithridates to come to their aid.

Energy and motives of Sulla.

These were the considerations which determined Sulla, after his victory over the party of Sulpicius and Marius, to proceed at once to the theatre of war, although affairs in Rome were as yet far from satisfactorily settled and the new order of things far from being secured. The care for the safety and greatness of Rome was evidently more powerful in him than the passion for the dominion of his party or of himself. It was a magnanimous resolution, and it places him high above Marius, who had not shrunk, merely for the satisfaction of his own personal ambition, from fomenting internal discord, and thus playing the game of the bitterest enemies of Rome. If Sulla had chosen to remain in Italy till all his political opponents were crushed and the dominion of his party firmly established, he could have done so without danger to himself. But he preferred undertaking a momentous and distant war, in which he had repeatedly to risk his own life, and which presented so many doubtful chances that final success could by no means be confidently looked for. The war could not have been undertaken by him with the calculation that a speedy victory would enable him to return with a devoted army and to make himself master of the state. It is easy enough for us, who can survey the course of events after they had come to pass, to speak with confidence about Sulla's prospects and plans; but nobody who had not the eye of a prophet could have foreseen in the year 88 B.C. that all the dangers and difficulties which lay before him, and occupied him for three years before he reconquered the position now voluntarily given up, would be successfully surmounted, and that he

would finally be in a position to resume at leisure his projected reform.

Political and military position of Sulla.

When in the course of the year 87 B.C. Sulla with his five legions, amounting altogether to no more than thirty thousand men,[1] started on his way to Greece, he could still hope, and most assuredly did hope, that he would be able to conduct and conclude the war with Mithridates as the recognised general of the Roman republic. Even under these circumstances the enterprise he had undertaken was sufficiently arduous. But when, in consequence of a new revolution soon after his departure, his enemies in Rome again seized the government and not only left him without the necessary supplies and reinforcements which the war required, but declared him a public enemy and treated him as a traitor, he found himself in a position of more embarrassment than even Hannibal during his Italian campaigns. Hannibal, though his policy and his expedition were opposed in the Carthaginian senate by an influential party, though he was not supported by his government as he had a right to expect, and was obliged chiefly to rely on the resources he could create by the vigour of his genius, was after all, and always remained, the general of the Carthaginian state, and had the authority of his government to back and support him. His opponents, however bent on thwarting or ruining him, always remained in the minority, and could do nothing but vent an impotent rage against him. Sulla, on the contrary, when he upheld the cause of Rome in Greece, was disowned by the rulers of Rome, and, whilst wrestling in a deadly struggle with the most determined enemy of the Roman name, was himself declared to be an enemy of Rome. A second army was sent to Greece not to support him, as the armies of Hasdrubal and Mago had been sent to Italy for the reinforcement of Hannibal, but to depose him from the command, and, if possible, to bring

[1] We must remember that since the Social war the Roman legions were no longer double legions, consisting of about 5,000 Romans and an equal number of allies.

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him back to Rome for punishment. He was actually compelled to encounter his own countrymen, and to subdue them to his command, before he could lead them with his old troops against the common enemy.

Pre-eminence of Sulla among Roman generals.

No Roman general had ever before to contend with such difficulties, in a war of such magnitude, against an enemy so equally matched as Mithridates. Sulla, therefore, by encountering and overcoming them, showed himself immensely superior in military genius to any of his predecessors, and notably to the greatest of them, the redoubted Marius himself. The most signal services rendered by the latter were his victorious campaigns against the Teutones and the Cimbri. But these wild hordes knew nothing of the military art, they acted without plan and concert, and were strangers to the discipline of the Roman legions. The victory which was gained over them was due more to the superiority of Roman tactics and equipment than to the strategy of the commander-in-chief. Sulla, on the other hand, was met in Greece by enemies of a different stamp. The generals whom he had to oppose were men who had made the art of war a study, and who had been trained in the traditions and experience of Greek and Macedonian masters. Archelaus and Neoptolemus, Metrophanes, Dromichaetes, and Dorilaos were men of a very different order from those barbarous captains whose excellence consisted in their huge bones and powerful muscles, or in their agility in leaping over teams of horses. They acted upon a preconcerted plan in carrying out the orders of a king who wielded an immense power, and conducted all their operations from a central point. In addition to these difficulties which Sulla had to meet, we should note that his operations were not confined to the open field, but that they were directed in great part against fortified towns, and that the art of besieging these was the weakest part in the warfare of the ancients, more particularly of the Romans. If we remember the sieges of Lilybæum, Syracuse, Tarentum,

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Capua, Ambracia, Carthage, Numantia, in bygone times, and the more recent sieges of Asculum, Æsernia, Nola, and other comparatively insignificant places, all of which cost the Romans enormous sacrifices in blood and treasure, and required protracted operations, though the besieging generals were backed by all the resources of the republic, and if we then compare with these the short, bold, and masterly attack of Sulla on the Piræus and Athens, we cannot fail at once to acknowledge his superior genius. The same superiority is apparent in his conduct of campaigns extending over wide areas and in his tactics on the field of battle. Everywhere he personally takes the lead, foresees or calculates all chances, organizes the means for attack and defence, sees to the execution of his orders, and leads on the soldiers himself with a total disregard of his personal safety. He was indeed the first Roman to bring distinctly before our eyes the difference between a citizen general and a thoroughbred professional soldier. In the operations of the two Scipios, of Marcellus, and even of Marius, we can discover only the beginning of that development which transformed the rude trade into an art of war. These men also rose above the annually changing burgomasters, because they were repeatedly called to command and were left in the command for longer periods, thus acquiring by practice and experience a skill which no man can get by inspiration. But, after all, Sulla was the first consummate master, the worthy predecessor of Cæsar, and of the great generals of modern times. This is proved beyond contradiction by the history of his campaign, even in the wretched and mutilated form in which it has been preserved.

Effect of Sulla's presence in Bœotia.

Having landed in Greece, probably about midsummer 87 B.C.,[1] Sulla marched through Ætolia and Thessaly into

[1] This may be inferred from the fact that in 87 B.C. Sulla only began, but did not bring to an end, the siege of the Piræus and Athens (Appian, *Mithrid.* 33). The taking of Athens took place on March 1, 86 B.C. (Plutarch, *Sulla*, 14). The siege of the Piræus lasted some time longer. All this points to the fact that Sulla did not appear in Attica before the autumn of 87 B.C., and that he

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Bœotia. His arrival there at the head of a respectable Roman army at once produced a total change in the attitude of the Greeks. As soon as they perceived that Rome had still life left in her, and when they reflected what might be the consequences of treason, the Bœotians rallied round Sulla more promptly, as Appian remarks, than they had declared in favour of Mithridates.[1] No similar change is reported of the Laconians and Achaians; but neither are they ever mentioned as having taken any part in the war, and it does not seem probable that the Pontic generals were ever effectually assisted by the Greeks. Sulla was even enabled to reinforce his army by auxiliaries drawn from Ætolia and Thessaly. The town of Thebes, in Bœotia, became the basis of his operations and provided his army with the necessary supplies.

Blockade of Athens by Sulla.

The two strongholds on which the Asiatic invasion depended as its centre were Athens and the port of Piræus; the former occupied by the desperate tyrant Aristion, the latter by Archelaus himself and a strong force of Pontic troops. These two places Sulla selected as the first objects of his attack, in the hope of obtaining possession of them before the numerous reinforcements now being raised in Asia, or already on their way, should have time to arrive. Although he had no fleet at his disposal, and could therefore make his attack only on the land side, he did not despair of success, and immediately laid siege to the Piræus. Athens he only blockaded, as it contained no great force besides the body-guard of Aristion, and, being a large and populous town, could not long be cut off from the usual supplies without feeling the pinch of hunger. But in order to carry out this blockade, and at the same time to push the siege of the Piræus, Sulla had to take care that his own troops should not suffer want. He could expect no supplies by sea, for he had no fleet at

can hardly have begun his march from Dyrrhachium, where he most probably landed, before midsummer.

[1] Appian, *Mithrid.* 30: μάλα κουφόνως ἀντὶ Ῥωμαίων ἑλόμενοι τὰ Μιθριδάτεια ἔτι πρὶν ἐς πεῖραν ἐλθεῖν ἀπὸ Ἀρχελάου πρὸς Σύλλαν μετετίθεντο.

his command, and the ships of Mithridates cruised unchecked in the Ægean. Attica could not even in times of profound peace produce enough food to support the native population; now after the ravages of war it was impossible to feed a large army without supplies from a distance. Sulla accordingly posted bodies of troops at Megara and Eleusis in order to maintain his communications with the Peloponnesus and Bœotia. He solved the difficult problem of providing for the necessities of his army, and was thus enabled to direct all his energy to pressing the siege.

Siege of Piræus.

The fortifications dating from the period of Athenian greatness had suffered considerably by war and neglect; but they had now been so far restored, that without the slow and troublesome works of a regular siege an assailant would have had a chance of success only if the defenders had been demoralised or commanded by utterly incompetent generals. Nevertheless Sulla made the attempt to take the place by a rush. When this failed, he commenced in the usual systematic way, making approaches to the walls by throwing dams across the ditch, constructing movable wooden siege-towers, machines for throwing heavy projectiles, rams to break the walls, and protecting sheds for the men who handled them. The wood for these numerous structures he procured by felling the noble old trees of the groves of the Academy and the Lyceum near Athens; the iron and other materials he obtained from Thebes. On the other side Archelaus adopted the usual modes of defence. To oppose the towers of the besiegers he erected towers of defence armed with the clumsy artillery which in antiquity faintly represented our modern engines of death. He also made sallies, in one of which he was able to set fire to a portion of Sulla's siege works, thus retarding the progress of the attack for ten days; for it took Sulla so long to replace what he had lost.[1] Reinforced by troops under Dromichaetes, Archelaus then came out and fought a regular battle with the besieging force under the

[1] Appian, *Mithrid.* 31.

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very walls of the place. The battle was long doubtful, and was decided at last in favour of the Romans only by the extraordinary bravery of a detachment, which on a former occasion had incurred Sulla's displeasure, and was now determined to wipe out the stain upon its character.[1]

Vain efforts of Sulla to gather a fleet.

Whilst these obstinate daily encounters were going on, the winter (of 87–86 B.C.) approached, and the difficulties of feeding and housing the troops increased. The want of a fleet was felt more and more keenly, and yet Sulla could not expect to have a single ship sent him from Rome. He was obliged to devise means for creating for himself a navy without assistance and even in spite of the home government. Accordingly he despatched his able legate, L. Licinius Lucullus, the same who afterwards so distinguished himself in the war with Mithridates, on a mission, half diplomatic half military, to Rhodes, Syria, and Egypt, to prevail upon the allies of the republic by persuasion and entreaty to furnish ships. It was not an easy task for Lucullus even to reach his destination across the hostile cruisers which covered the sea. But when he had succeeded in this, he found that he had effected nothing. The Rhodians pleaded that they required their ships for their own defence; the kings of Syria and Egypt, usually so pliable and so ready to serve every whim of a Roman in authority, seemed now to think Rome was no longer formidable. Perhaps they hesitated to aid a general who was disowned by the government of the republic. At any rate they gave his messengers evasive answers. Sulla was for the present reduced to those resources which his own inventive genius could discover among the faint-hearted Greeks.

Distress in Athens.

Meanwhile neither the siege of the Piræus nor the blockade of Athens suffered any interruption. The latter town began to feel the effects of insufficient nourishment. Archelaus, who had abundance of supplies in the Piræus, sent out a column of troops one night to convey provisions

[1] We are not informed who these disgraced (ἄτιμοι) troops were. Could they have been the murderers of Albinus? See above, p. 216.

into the capital. But his intention was betrayed to Sulla by two slaves in the Piræus, who had kept up a regular communication with him for some time, and had informed him of the movements of Archelaus by means of sling bullets, on which they used to scratch indications of what they wished him to know. Thus forewarned, Sulla was enabled to waylay and surprise the expedition intended for the relief of Athens. It appears from this incident that the blockade of Athens cannot have been complete on all sides, probably because Sulla had not troops enough to stop up every approach to so large a town. Yet Athens was more and more isolated from the surrounding country, and the distress among the numerous inhabitants increased. A second attempt of Archelaus to convey provisions into the town failed like the first. Dearth now grew into famine. All the sufferings and horrors which come in the train of hunger afflicted the unfortunate town. The emaciated defenders were at length no longer able to carry the weight of their arms, or to think of real resistance.[1] The Roman soldiers penetrated into the town almost without opposition, and began the work of plunder and indiscriminate murder which was usual on such occasions in the Roman army,[2] and which Sulla was either unable or unwilling to restrain. But he did not go further. He did not follow the example of Mummius in Corinth or Scipio in Carthage. Whether from motives of generosity or prudence he forbade his men to injure the town. The only destructive fire that occurred was that of the Odeon; and this was caused by order of the wretched Aristion, who after the capture of the town had retired to the Acropolis, and by the destruction of that noble building wished to prevent the Romans from using its timbers for siege works.

Capture of the Acropolis.

But Sulla did not care to reduce the Acropolis by force, knowing that the defenders would be obliged to surrender

[1] The stories reported by Plutarch (*Sulla*, 13) of the licentious revels of Aristion during the general distress in Athens deserve no credit, and are not worth repeating.

[2] Vol. ii. p. 345.

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when their provisions were consumed. He returned to the far more important siege of the Piræus, leaving to C. Scribónius Curio the care of watching the Acropolis. Ere long it fell into his hands. Aristion and all those who had taken a prominent part in the rebellion suffered death. The rest were spared, and, like all the inhabitants of Athens who had escaped the massacre, were restored to the full enjoyment of the rights which they had as Athenian citizens and subjects of Rome.

Battles at Piræus.

The capture of Athens took place, according to Sulla's own memoirs, on the first of March.[1] Meanwhile the siege of the Piræus was pushed on vigorously and without interruption. Once the Romans contrived in the night-time to scale the walls unperceived, and to produce a panic among the besieged troops. But this was only momentary. The garrison was quickly under arms, cast the daring assailants down the walls, opened a gate, and rushing out almost succeeded in setting fire to one of the Roman siege towers, a work of huge labour and expense. All this night and the following day the battle raged with great vehemence. Sulla was obliged to lead on his men himself against the enemies, and succeeded at length in driving them back within their lines.

Desperate energy of the besiegers and the besieged.

Thus the contest went on indecisively for a long time. On one occasion a tower of the defenders was so much injured that it became useless, and had to be drawn back; on another, some siege works were set on fire and destroyed. Then the dams constructed by the Romans as approaches to the wall across the ditch reached the requisite height, so that the battering rams could be moved forward on them against the wall. But at the same time the ground on which they were thrown up was so undermined by the besieged that it gave way; the engines placed on it had to be withdrawn, and the work of piling up earth and making a roadway had to be commenced anew. The Romans now directed mining operations under the foundations of the walls; the besieged

[1] Plutarch, *Sulla*, 14.

perceiving this made countermines, and the two parties met underground and fought in the dark and narrow passages.[1] At last Sulla effected a breach in one part of the walls and fired one of the towers. It seemed that now the fortress must fall into his hands. A body of Romans gained the top of the wall. At the same time another part of the wall fell down and opened a second breach at a place where the Romans had made a mine and fired the supports.[2] The defenders lining the wall were carried down with it; a panic spread to their right and left, as everywhere a similar catastrophe was expected. The defence of the place slackened; Sulla thought the time come for a storm, and brought up fresh and ever fresh troops, whom he led on in person and encouraged with his words and his example. But Archelaus conducted the defence with equal determination. He, too, relieved the men worn out with fatigue by sending relief after relief, and ever renewed the contest on which the fate of the fortress depended. The fighting was continued for a long time with equal chances on both sides, and on both sides the losses were also equal. At length Sulla gave the signal to retreat, fearing probably to sacrifice too many men of his limited force. Without the least delay Archelaus now set to work, and in the following night built up a new wall in place of the part which had given way, extending in a semicircle round the breach. When Sulla renewed the attack on the next day, he met with the same determined resistance, and was, on his advance, so effectively assaulted in front and in his flanks that he despaired of taking the place by force, and for the present confined himself to a blockade.

Retreat of Archelaus to Munychia.

During the temporary interruption of his attack on the Piræus, Athens, as has been related, fell into Sulla's hands. Having now again more troops at his disposal, he

[1] Underground fighting is related of the siege of Ambracia. See vol. iii. p. 170.

[2] When a mine was dug under the wall of a besieged town, the engineers propped it with timber supports; when these were set on fire, the superincumbent weight made the mine give way, and a breach was effected.

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resumed the siege with his accustomed energy. Siege works and fighting continued without interruption. The new wall constructed by Archelaus was attacked with projectiles, rams, and mines. It gave way to these repeated efforts, but nothing seemed gained for the assailants, because Archelaus had, in anticipation of this result, erected a third wall behind. This third wall, and after it a fourth, were successively carried. Piece by piece the town was wrested from the valiant defenders with the display of equal spirit on both sides, under the eyes and personal conduct of Sulla. Slowly Archelaus retreated from street to street. At last there was nothing left to him but Munychia, the furthermost part of the fortress, washed by the sea on three sides, and connected with the mainland by only a narrow strip. Here he made a stand, and here he could defy all attacks. Without the aid of a fleet Sulla could not dislodge him from a place which was all but an island. Having therefore destroyed the arsenals and ship-building yards, and all the public buildings of the Piræus, he so shut up the enemies in Munychia that they could not break out from that place to molest his rear in the operations which he now had to carry on in Bœotia.

Capture of Chalcis by Neoptolemus, general of Mithridates. Exactions of Sulla for the procuring of supplies.

Whilst Sulla was occupied in Attica with the siege of Athens and the Piræus, which were held by troops of king Mithridates, the latter had sent Neoptolemus, a brother of the able Archelaus, to attack the town of Chalcis in Bœotia. According to a very short notice in Appian,[1] Munatius, a Roman in command of the town, made a stout resistance and gained considerable advantages over the Pontic troops. Nevertheless, as we must infer from the course of events, Chalcis must have been taken by Neoptolemus, for after the great victory of Sulla in Bœotia, in the course of the summer, the remnants of the defeated Pontic army retired to Chalcis as to a place of safety.[2] We are not informed whether Demetrias also fell into their hands. But this was most probably the

[1] Appian, *Mithrid.* 34.

[2] Below, p. 295.

case, for Hortensius, who seems to have commanded the garrison of the place, retired to Bœotia on the approach of the vast hostile army which made its way by land through Thrace and Macedonia to reinforce Archelaus. Sulla was now in a very critical situation. The operations in Attica had occupied him several months during the winter and spring (87–86 B.C.), and may have reduced the Roman forces to perhaps one half their original strength. In order to feed and house his troops and to procure the necessary materials of war, Sulla was obliged to put great pressure upon the Greeks, whom he ought to have spared as much as possible to gain their affection. He was even compelled to seize the sacred treasures of the temples. The great national sanctuaries of Delphi, Olympia, and Epidaurus were deprived of all articles of value which former plunderers had spared or the piety of worshippers had restored. The priests tried in vain to save the property in their charge by announcing that Apollo himself declared his displeasure, for that the sound of his lyre was heard in the sanctuary. Sulla, though a devout worshipper of the gods and by no means free from even vulgar superstition, could not refrain from the sarcastic remark that the priests ought to know better the meaning of the god. It was evident, he said, that Apollo rejoiced at being able to assist the Romans with his treasures against the barbarians; for his playing on the lyre was evidently a sign of joy and not of anger. He added that the treasures were safer in his keeping than in the temples, and that he would restore them after his victory over the invaders.

Operations in Bœotia. Battle at Chæronea.

The Pontic forces with which Sulla had hitherto been engaged had been sent to Greece by sea, and appear not to have been very considerable. After they had been despatched from Asia, Mithridates had used his utmost exertions in organizing a large land force for the invasion of Greece, and had now despatched it to the seat of war under the command of one of his sons called Akrathias. Its strength is reported to have amounted to one hundred

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and twenty thousand men, it was very strong in cavalry, and had ninety scythe chariots.[1] It seems to have been fitted out with the usual pomp and magnificence of Oriental armies,[2] but it consisted of a motley crowd of various different races, unacquainted with the military spirit and the discipline of the Roman legions. Unity of action was to some extent secured by the chief command being in the hands of a royal prince; but, unfortunately, Akrathias died soon after his arrival in Greece, and his successor, Taxiles, seems to have refused to acknowledge the superior claim of the able Archelaus, who, on the arrival of the great army, had hastened to Bœotia to take the chief command. Sulla now also left Attica, where his troops must have found it more and more difficult to subsist,[3] and tried to effect a junction with a body of Romans[4] which, under the command of Hortensius, marched into Bœotia from the north, pursued, as it seems, by the host of Taxiles. The junction was not easy, but succeeded at last,[5] with the aid of a certain Kaphis, a citizen of Chæronea, the birthplace of Plutarch, who has preserved the name of this obscure individual and much of the detail of the great battle fought in the neighbourhood. Sulla could now face the united hostile forces at the head of from thirty to forty thousand men, the strength of whom consisted in fifteen thousand Roman soldiers.[6]

[1] Appian, *Mithrid.* 41. Plutarch, *Sulla*, 15.

[2] Plutarch, *Sulla*, 16: ἦν δὲ ἅμα καὶ τὸ κομπῶδες καὶ σοβαρὸν αὐτῶν τῆς πολυτελείας οὐκ ἀργὸν οὐδὲ ἄχρηστον εἰς ἔκπληξιν, ἀλλ' αἵ τε μαρμαρυγαὶ τῶν ὅπλων ἠσκημένων χρυσῷ τε καὶ ἀργύρῳ διαπρεπῶς αἵ τε βαφαὶ τῶν Μηδικῶν καὶ Σκυθικῶν χιτώνων ἀναμεμιγμέναι χαλκῷ καὶ σιδήρῳ λάμποντι πυροειδῆ καὶ φοβερὰν ἐν τῷ σαλεύεσθαι καὶ διαφέρεσθαι προσέβαλον ὄψιν.

[3] Plutarch, *Sulla*, 15: φεύγων λιμὸν καὶ σπάνιν ἠναγκάζετο διώκειν τὸν ἐκ τῆς μάχης κίνδυνον.

[4] This was probably the late garrison of Demetrias, which, as surmised above (p. 282), had been evacuated on the approach of the overwhelming Pontic forces.

[5] According to Plutarch (*Sulla*, 15) his countryman Kaphis showed Hortensius a road on one side of the Parnassus by which he eluded the barbarians.

[6] In Sulla's own statement preserved by Plutarch (*Sulla*, 16) 15,000 foot and 1,500 horse alone are counted. But here, as so often in Roman reports,

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Tactics of Sulla. Position of his forces.

If we can trust Appian's report, it seems to have been Sulla's plan to allow the enemies to cross the mountains which form the north-western border of Bœotia and to attack them on their emerging from the passes in a country intersected by numerous tracts of steep hills and deep river beds, where they would not be able to crush him with their superior number, and especially to take full advantage of their cavalry. His task was rendered more easy by the blind confidence of the barbarians in their overwhelming force, and by their want of discipline, which made it impossible for the leaders to keep them from spreading all over the country for the sake of plunder.[1] Sulla was thus enabled to anticipate them in the occupation of Chæronea, on the western shore of Lake Copaïs, whereby in case of a defeat they were cut off from a safe line of retreat to the sea.[2] They were not yet quite clear out of the mountains when Sulla boldly advanced and compelled them to accept a battle. With the help of people of Chæronea who were well acquainted with the ground, he succeeded in gaining, unperceived by the enemy, the top of a steep hill called Thurion, and in expelling from it with great loss a hostile detachment which had taken up its position there. By this unexpected manœuvre the Pontic army was thrown into disorder, and Archelaus lost some time before he could form his troops for an attack upon Sulla's lines, which had in the mean-

the troops of the allies are simply ignored. According to Appian, Sulla had only one-third as many men as his opponents. From this it appears that he had a considerable body of Greek auxiliaries with him, a fact which in itself is sufficiently probable. It follows from Sulla's statements that his five legions, which must have numbered originally about 30,000 men, were very much reduced in number by the winter campaign in Attica, though it is probable that a part of them were left to garrison Athens and the Piræus.

[1] Plutarch, *Sulla*, 16.

[2] Appian, *Mithrid.* 42: *ὡς δὲ αὐτὸν εἶδε περὶ Χαιρώνειαν ἐν ἀποκρήμνοις στρατοπεδευόμενον, ἔνθα μὴ κρατοῦσιν ἀποχώρησις οὐδεμία ἦν, πεδίον αὐτὸς εὐρὺ πλησίον καταλαβὼν εὐθὺς ἐπῆγεν ὡς καὶ ἄκοντα βιασόμενος ἐς μάχην Ἀρχέλαον· ἐν ᾧ σφίσι μὲν ὕπτιον καὶ εὐπετὲς ἐς δίωξιν καὶ ἀναχώρησιν ἦν πεδίον, Ἀρχελάῳ δὲ κρημνοὶ περιέκειντο, οἳ τὸ ἔργον οὐκ εἴων ἐν οὐδενὶ κοινὸν ὅλου τοῦ στρατοῦ γενέσθαι, συστῆναι διὰ τὴν ἀνωμαλίαν οὐκ ἔχοντος· τραπεῖσί τε αὐτοῖς ἄπορος διὰ τῶν κρημνῶν ἐγίγνετο ἡ φυγή.*

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time been formed leisurely and without the least interruption. The army was as usual drawn up in two wings, the right wing commanded by Sulla himself, the left by Murena, who was a very efficient officer. As his front was not nearly equal in extent to that of the enemies, Sulla had made his soldiers dig broad ditches from the extreme points on both sides right and left, and at the ends of these ditches he had thrown up earthworks, which he had garrisoned with small bodies of troops to guard against the danger of being outflanked. At the same time he strengthened the centre of his position by ramming lines of palisades into the ground in front of his line.[1] The cavalry was drawn up in a line behind the foot, and held in readiness to advance when wanted.

Attack of Archelaus.

In this defensive position Sulla awaited the attack. The sixty war-chariots of the Asiatics were launched forward with great force with the intention of breaking through the middle of the Roman line. But the precaution adopted by Sulla proved successful. The attack was broken by the line of palisades, the carriages were either dashed to pieces or compelled to turn round quickly, and then the lines of infantry standing behind them were thrown into disorder.[2] The Romans immediately dashing forward made a vigorous onslaught upon this formidable-looking body of fifteen thousand men, who were armed in Macedonian style with huge lances (*sarissæ* [3]) and drawn up as a phalanx, but who formed in reality the least effective part of the army of Archelaus, as they consisted of young men, partly slaves, hurriedly levied in the Greek towns and insufficiently trained. The Roman legionaries cast

[1] Frontin. *Strateg.* ii. 3, 17.

[2] Frontinus alone (ii. 3, 17) mentions the palisades. According to Plutarch (*Sulla*, 18), the chariots could not acquire a great momentum owing to the confined space; they were therefore easily arrested in their course and disabled. According to Appian (*Mithrid.* 42) the Romans opened their ranks and let them pass through, attacking them successfully on their return.

[3] Vol. iii. p. 58.

down their pila,[1] pushed aside the long Macedonian spears with their swords, and rushed, as through breaches in a wall, within the serried ranks of the phalanx, which was now at their mercy. The first line of the Pontic army was thus easily disabled and driven back.[2]

Defeat of Archelaus.

The war chariots on this as on other occasions had not only proved a failure, but had actually led to a partial disaster.[3] But what had happened was only the prelude to the battle. The attack of the chariots upon the Roman centre was perhaps only a feint to the real plan of Archelaus. He now extended his right wing beyond the extreme point of the Roman left, to attack it from the rear. When Hortensius, who commanded the Roman detachment in the earthwork at the end of the ditch, saw this movement, he advanced towards the enemies and thus became separated from the Roman line. The Pontic cavalry immediately rushed into the vacant space and began to surround Hortensius on all sides. In imminent danger of being entirely cut off, he retired to some hilly ground, where he defended himself against the pursuing cavalry. Sulla, on the right wing, perceived the danger and resolved to hasten to his relief. But this was precisely what Archelaus had expected and planned. Seeing that Sulla was weakening his right wing and drawing his forces to the left, he gave up the attack upon Hortensius, and directed the bulk of his forces on the Roman right, which he hoped to find sufficiently

[1] Plutarch, *Sulla*, 18: τῶν Ῥωμαίων τοὺς ὑσσοὺς αὐτοῦ καταβαλόντων. We should expect that instead of throwing down their pila, the Romans would discharge them upon the enemies before falling upon them with their swords. Is it possible that Plutarch made a mistake in translating?

[2] Compare vol. iii. p. 58. We are not informed of the name of the officer who ordered this well-timed advance. Perhaps it was Murena with the left wing, as the right wing, where Sulla was stationed, took a part in the battle at a later period. Plut. *Sulla*, 19.

[3] It is surprising that in spite of similar experience war chariots were so often employed. The same may be said of the war elephants, who seem on the whole to have done more harm to those who employed them than to those against whom they were employed. Appian (*Hisp.* 46) tells us that for this reason they were called by some κοινοὶ πολέμιοι.

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weakened and exposed. Fortunately Sulla perceived this intention in time, returned quickly into the position he had left, and advanced to the attack before the hostile troops returning from the demonstration against Hortensius could reform and close their ranks. The battle now raged along the whole line, for at the same time Murena, on the left of Sulla, was fiercely attacked by Taxiles, one of the lieutenants of Archelaus. The best troops of both armies were now confronting one another, on one side the tried legions of Sulla, on the other, no longer a rabble of slaves hastily equipped to imitate a Macedonian phalanx, but a solid infantry, armed and drilled like Roman soldiers, and among them Italian fugitives and deserters, animated with bitter hatred of Rome, and determined to continue the fight for their cause in a foreign service and on foreign soil even after it seemed lost in Italy. Archelaus had good reason for placing his confidence chiefly in these men.[1] But they were after all no match for the Roman legions led on by such a general as Sulla. They began gradually to lose ground along the whole line. The right wing, where Sulla commanded in person, was the first to push forward, then the left wing under Murena followed, supported most opportunely by the corps of Hortensius, which had in the meanwhile been disengaged from its perilous position. Sulla now ordered a general advance of the whole army, including the cavalry, and the effect was that the retreat of the enemies soon degenerated into a disorderly rout.[2]

[1] Frontin. ii. 3, 17 : Mixtis fugitivis Italicæ gentis, quorum pervicaciæ plurimum fidebat.

[2] Appian, *Mithrid.* 14 : ἔνθα δὴ πάντα ὅσα εἵκασεν ὁ Σύλλας, ἐνέπιπτε τοῖς πολεμίοις· οὐ γὰρ ἔχοντες ἀναστροφὴν εὐρύχωρον οὐδὲ πεδίον ἐς φυγὴν ἐπὶ τοὺς κρημνοὺς ὑπὸ τῶν διωκόντων ἐωθοῦντο. It is clear from Appian's report, that Sulla's great merit consisted in his selection of the ground, and in his compelling Archelaus to accept the battle. One essential condition to attain this end was the previous occupation of Chæronea, which could not, as Plutarch would fain represent it (Plut. *Sulla*, 16), have been resolved on by Sulla merely at the request of the inhabitants of the place, for the purpose of protecting them from the barbarians. The narratives of the battle given by Plutarch

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Destruction of the camp of Archelaus.

The hostile camp, which was pitched on the further bank of a small tributary of the Cephissus,[1] was the place of refuge to which the whole crowd of fugitives tended. Archelaus tried, by the means of compulsion often adopted under similar circumstances by Oriental generals, to drive them back into the battle. He closed the gates of the camp and forced his men to face round against their pursuers. It was all in vain. The impetuous onset of the victorious Romans was irresistible. Many thousands crowded into a narrow space were helplessly butchered. At last the gates of the camp were opened or forced open; the fugitives poured into it; but the Romans were now so close upon them that they entered at the same time. It became the scene of a general massacre. Only ten thousand men survived and made their way to Chalcis in Eubœa, the miserable remnants of the huge army which Mithridates had sent from Asia for the subversion of the Roman dominion. And this magnificent result was obtained, if we are to believe Sulla's own report, with the loss of only fifteen men missed from the Roman army, of which number, as he is careful to add, two men afterwards turned up again.[2] Sulla had outdone the victory of Cynoscephalæ, and, we are sorry to add, had also surpassed his predecessor in boasting and exaggeration, whereby his real and undeniable merit is by no means exalted in our eyes.

and Appian differ from each other in many points of detail, but we can see distinctly that they are in the essential parts based upon the same original and authentic report (perhaps Sulla's own memoirs), and they can be brought into a general harmony. If we only had a more accurate description of the locality (comp. vol. ii. p. 172), we might form a pretty clear image of the battle.

[1] Called Morios or Molos in the text of Plutarch, *Sulla*, 17, 19.

[2] Appian, *Mithrid.* 45. Appian closes his report of the battle with the following words: *τοῦτο μὲν δὴ . . . . μάχης τέλος ἦν, δι' εὐβουλίαν δὴ μάλιστα Σύλλα καὶ ἀφροσύνην Ἀρχελάου τοιόνδε ἑκατέρῳ γενόμενον.* The generalship displayed on this occasion by Sulla deserves the more praise, as he had such a respectable opponent as Archelaus. The battle of Chæronea differed very much from those of Cynoscephalæ, Magnesia, and Pydna, which were commenced without a plan, and gained merely by the bravery of the Roman soldiers. It compares creditably with the great battles fought by Hannibal, and shows that Sulla, like the great Carthaginian, was a consummate general.

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Maritime operations of Archelaus.

Sulla collected on the battle-field the arms of the enemies, and, after piling up and burning those which were useless and erecting two trophies, set out in pursuit of the fugitives. Continental Greece was cleared of them; but as Sulla had no fleet at his disposal he could not follow them to the island of Eubœa, where they found a rallying place in the fortified town of Chalcis. So completely did the Pontic fleet command the sea even after the defeat of the land forces, that Archelaus could at pleasure land and plunder islands and coast towns; he even ventured to the western coast of Greece into the Ionian Sea, and laid the island of Zacynthus under contribution.[1]

Effects of failure on the character and government of Mithridates.

Meanwhile Mithridates had not for one day paused in his preparations for the prosecution of the war, and the unhappy people of Asia, now subject to his sway, found out that in their new ruler they had a despot not less rapacious than the Romans and infinitely more cruel and tyrannical. Mithridates wanted money and men. The promises he had made of a remission of taxes for several years, and the like, were no longer thought of, and exaction, oppression, and robbery were the blessings of the Pontic government. When, therefore, the news was spread of the loss of Athens and of the great defeat at Chæronea, the public feeling changed as suddenly in Asia as it had done in Greece. The dominion of Rome appeared by contrast in a more favourable light. A Roman party began to spring up, and conspiracies were formed against the life of Mithridates. The result was that the king thought that he could crush opposition and maintain his authority only by a reign of terror. He was filled with distrust and apprehension by the failure of an undertaking which at first seemed so promising, and by the utter discomfiture of his magnificent army. The genuine spirit of an Asiatic despot seemed to be aroused in him. The least suspicion sufficed to draw from him a sentence of death. His own trusty servants and body-guards, with their wives and chil-

[1] Appian, *Mithrid.* 45.

dren, were the first victims of his fury. He had his spies in every town, eager to discover traitors and deliver them to his vengeance. In his new capital of Pergamum it is reported that eighty men were put to death, and that equal numbers were slaughtered in other towns, altogether not less than sixteen hundred.[1]

Brutal treatment of the Chians by order of Mithridates.

His fiercest vengeance, however, he wreaked on the island of Chios, against which he had a special grudge, since in a sea fight with the Rhodians a ship from Chios had run foul of his own, not accidentally, but, as he suspected, on purpose and with a treacherous intention. He sent an armed force commanded by Zenobius to the island, and declared to the assembled people that as a pledge of their obedience he demanded the surrender of their arms. When this order had been executed, he sent a letter in which he charged the people of Chios with a leaning towards Rome. His advisers, the king said, urged him to cause all the inhabitants of the island to be killed, but he was disposed to act with mildness, and confined himself to imposing a fine of two thousand talents. The unfortunate people implored Zenobius to give them time to send a deputation to the king in order to ask for mercy. It was in vain. They were compelled to furnish at once the enormous sum that was demanded, for which the women were stripped of their jewels and the temples of their treasures. But all this was only the prelude to what was to come. It seemed the intention of Mithridates to torture the wretched people of Chios by applying slowly and gradually more galling punishments. Zenobius again assembled them in the theatre, which he had caused to be surrounded by armed men, and now gave orders that the men should be separated from the women, and that all should be conveyed on board ship and transported to the coast of Pontus. This cruel order was executed and accompanied with still more cruel outrages. Mithridates seemed bent on showing that he was a worthy descendant of the old kings of Persia, at any rate that he could equal

[1] Appian, *Mithrid.* 46.

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them in the brutal treatment of peoples by wholesale transportation.[1]

Capture of Zenobius by the Ephesians.

From Chios Zenobius proceeded to Ephesus. But the Ephesians were justly apprehensive that a similar treatment was in store for them; and therefore, although the governor of Ephesus was Philopœmen, father of Monime, the king's last and favourite concubine, they refused to admit Zenobius into their town, unless he came unarmed and accompanied only by a few attendants. During the night a conspiracy was formed; some resolute citizens seized Zenobius, dragged him to the public prison, and finally killed him. The town was then put in a state of defence and defied the orders of the king.[2]

Desperate measures of Mithridates.

The example of Ephesus encouraged other towns. Smyrna, Sardes, Colophon, Tralles, Hypæpa, Metropolis, and others openly revolted.[3] Mithridates, driven to despair, adopted an extreme revolutionary measure, proclaimed the freedom of the slaves, a general abolition of debts, and the admission of strangers to the right of citizenship.[4] Thus he hoped by crushing the old body of citizens to form a new one entirely dependent on him as patron and protector. To what extent he succeeded we do not know. It is not likely that he increased his military resources by this desperate measure; but it is certain that by it he inflicted another calamity on the unhappy land, which was hurled from one tyranny into another, and was looking forward with trembling to the restoration of the Roman dominion, accompanied, as it must needs be, with new sufferings.

Punishment of Thebes by Sulla.

The battle of Chæronea, as we have seen, had swept away from continental Greece all traces of the Pontic invasion, and had effaced all signs of insurrection against Rome. Even the last corner of the Piræus had been evacuated by Archelaus, when he started to join Taxiles in Bœotia. Sulla was therefore now undisputed master in Greece; he could dispose of all the resources of the

[1] Appian, *Mithrid.* 46, 47.
[2] Appian, *Mithrid.* 48.
[3] Oros. vi. 2.
[4] Appian, *Mithrid.* 48.

country for the continuance of the war, he could punish those who had been disloyal or lukewarm, and he could settle the affairs of the country as he thought best. He was particularly merciful in his treatment of Athens, allowing her to keep her old municipal constitution and her territory; but he sternly punished Thebes for a much slighter offence than Athens had committed, by depriving her of half her territory, because she had been for a short time wavering in her allegiance. This severity enabled him to repay without expense to himself the debt he owed to the temples he had rifled. He bestowed on the sanctuaries of Delphi and Olympia the land he had taken from Thebes. Probably his attention was also directed to the necessary measures for creating a fleet, the want of which had been so keenly felt in his operations all through the war.

Renewed invasion of Greece by Archelaus.

But this was a task which required time, and before he could have proceeded far with it, Dorylaus, a general of Mithridates, had landed at Chalcis with a new Pontic army, consisting, as is alleged, of eighty thousand men.[1] This army, joined to the forces saved from the defeat at Chæronea, crossed the Euripus and again advanced into Bœotia to resume offensive operations. The supreme command was again entrusted to Archelaus, who seems not to have lost the confidence of his master in spite of his ill-fortune, though advisers were not wanting who insinuated that the defeat at Chæronea could only be accounted for by the treason of the general. Mithridates on this occasion showed himself superior to the common run of Eastern despots. He even continued his confidence, as we shall see, when Archelaus had a second time met with a signal reverse.

Prudence of Archelaus.

When the new Pontic army was ready to take the field, Dorylaus seems to have been impatient for immediate action. He insisted on advancing and forcing the

[1] Plutarch (*Sulla*, 20) says expressly that this army was transported to Eubœa by sea. If so, the numbers must be exaggerated. Licinianus (p. 32, ed. Bonn,) seems to state the number at fifty thousand.

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Romans to a battle. But a collision which he had with them in southern Bœotia soon brought him to a sense of his inferiority in judgment. He readily submitted to the decision of the more experienced Archelaus, who knew the Roman soldiers too well to hope that the newly levied bands of Asiatics would be a match for them without a good deal of previous training.

Choice of a battle-field by Sulla.

It was again Sulla who, as in the previous campaigns, took the offensive and brought about the decision on a battle-field selected by himself. He had so much confidence in his troops that he advanced into the large plain of Orchomenus, to meet the enemies who, warned by the experience of the last battle, kept away from the mountains and had pitched their camp near the bank of Lake Copaïs. Sulla advanced straight upon this camp and began to narrow the field for the conflict by drawing deep ditches around the enemy's camp, almost as if he were going to blockade them. Archelaus, seeing the danger of being hemmed in, made a vigorous attack upon the men working at the entrenchment and the detachment of troops stationed for their protection. A sharp conflict ensued, and the Romans were forced to give way. In this emergency Sulla showed again that he possessed not only the qualities of an ingenious general, but also those of a brave soldier. Leaping from his horse, he seized a standard and advanced towards the enemy. As his soldiers hesitated to follow him, he called out to them that they should tell their friends at home that they had forsaken their general like cowards on the field of battle. Immediately the centurions rushed forward from the ranks to his support; the soldiers followed; the fight was restored, and the enemies were finally driven back to their camp with a great loss, especially of cavalry.

Capture of the camp of Archelaus.

The work of entrenchment was now continued without further delay. The ditches were pushed forward to within a stadium from the Pontic camp, the enemies looking on apparently without concern. Against enemies so languid

and spiritless Sulla was justified in proceeding with the utmost boldness. He determined upon attacking their fortified camp, an enterprise which belonged to the most daring feats known to ancient warfare. Covering themselves with their shields, the Roman legionaries advanced to the edge of the trench which surrounded the hostile camp. A brave centurion leaped into it, the rest followed, and in a rush the camp was taken. Archelaus himself escaped with great difficulty in a boat across the lake and reached Chalcis. More than twenty-five thousand of his army were taken prisoners,[1] by far the greater part were killed, or driven into the swamps which fringed the lake, to be miserably drowned. Even in the time of Plutarch, two hundred years later, helmets, shields, and arms of the barbarians were found in the bed of the lake.[2]

Flaccus sent to supersede Sulla marches upon Pergamum, in the hope of ending the war.

The great victory at Orchomenus was the turning point in the war. The invasion of Greece had signally failed, with the loss of two great armies, and, as is alleged, of one hundred and sixty thousand men. Mithridates had made great efforts to raise and equip these masses of men, and now his resources were exhausted. Naturally the general dissatisfaction in Asia, and the open rebellion produced by his cruel rigour, were spreading rapidly when the news of the second great defeat arrived. Nor had he to contend with internal difficulties alone. His dominions in Asia were now threatened by an attack from abroad independently of the operations of Sulla. Whilst the latter was fighting in Bœotia, the party dominant in Rome had, after the death of Marius, despatched his successor L. Valerius Flaccus, consul of 86 B.C., with two legions, to supersede Sulla in his command in Greece. The task which Flaccus had undertaken was by no means easy, and he was not equal to it. At the very beginning of his expedition, on his passage from Italy to Dyrrhachium, he lost part of his ships and men, who were captured

[1] Licinian, p. 32, ed Bonn.

[2] Appian, *Mithrid.* 49, 50. Plutarch, *Sulla*, 20, 21.

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by Pontic cruisers.[1] Having reached Macedonia, he sent a detachment of his troops into Thessaly, with orders to the army of Sulla to come and join him, for Sulla had now been formally deposed from his command and declared an enemy of the republic. But this detachment, instead of executing his orders, passed over to the side of Sulla. Flaccus was soon convinced that it was not in his power to remove Sulla from the command. He therefore resolved to carry on the war with Mithridates, independently of Sulla, and to march straight upon Pergamum. This operation had become possible by Sulla's victories in Greece, and Flaccus perhaps flattered himself with the hope that by anticipating Sulla in Asia and overpowering Mithridates, whom he knew to be greatly weakened and discouraged by his defeats, he could force him to conclude peace, and finally return to Rome as the conqueror of Mithridates, thus securing to his own party the fruits of victory.

Peace negotiations between Mithridates and Sulla.

In truth Mithridates was inclined to come to an understanding with Rome. He had, as it appeared, the choice with which of the two Roman generals he should negotiate; but the choice was not easy. If that party with which he concluded peace was worsted in the internal civil conflict, it was to be feared that all the sacrifices he made for obtaining terms would be made in vain, and that the opposite party would continue to consider him an enemy of Rome. The government of the republic was at present in the hands of the popular party, which, acting from the seat and centre of the empire as senate and people of Rome, seemed alone entitled to negotiate about peace and war with a foreign power. Sulla did not represent this legitimate Roman government, nor could he claim to act in its name. He was a deposed rebellious soldier, the leader of a party which seemed to have little chance of ever regaining the control of the government. Besides, Sulla had on a former occasion shown himself

[1] We learn from Appian (*Mithrid.* 45) that Archelaus had despatched vessels into the Ionian Sea. See above, p. 290.

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opposed to the claims of the king of Pontus,[1] and it might be supposed that after the obstinate resistance he had encountered in Attica and Bœotia he was not very much inclined to be yielding or generous in any negotiations of peace. On the contrary it might reasonably be expected that he was anxious to turn his victories to the utmost advantage, and to reduce his enemy to a state of permanent weakness. In spite of all these considerations, which could not fail to present themselves to Mithridates, he resolved to enter into negotiations not with Flaccus, but with Sulla. No doubt Mithridates was guided in this wise decision by the good information he had of Roman affairs, and his correct opinion of the final chances of both the contending parties. It appears throughout that Mithridates was well acquainted with the detail of the republican constitution of Rome and with its history. So much may be inferred, not indeed from the speeches and letters which are attributed to him[2] (for these reflect only the opinions of the respective historians), but from the line of action which he followed on various occasions, when he seems to have been guided by precedents furnished by events in the history of Rome.[3] However that may be, on the present occasion he acted most prudently by entering into negotiations of peace with Sulla, rather than with the consul, the real and official representative of the actual government of the Roman state.

Return of Lucullus with a fleet collected from allies to Sulla.

After the battle of Orchomenus Sulla had, in the autumn of 86 B.C., marched into Thessaly, and was here engaged in the equipment of a fleet, whilst at the same time he was waiting for the result of the mission of Lucullus, whom he had sent in the early part of the year to Syria and Egypt for the purpose of procuring ships from the kings of these countries as the allies of the

[1] Above, p. 255.

[2] See especially the letter of Mithridates to king Arsaces, given by Sallust, *Histor.* iv. 61.

[3] Such, for instance, was his treatment of the prisoners of war, in which he clearly followed the example given by Hannibal. See above, p. 263.

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Roman republic.[1] Lucullus, as we have seen, had at first met with a cold reception and evasive answers. But the two victories of Sulla in Bœotia seemed to have produced some effect, and he at length obtained a number of Egyptian, Phœnician, Syrian, Lycian, and Rhodian ships, with which, as we shall see, he was enabled to influence in no slight degree the course of events.

Readiness of Sulla to conclude the war.

Hitherto all Sulla's undertakings had been crowned with success; but they had occupied him a considerable time. He had now been absent from Italy for more than a year (87–86 B.C.), and every day brought disquieting reports of the revolution which meanwhile had taken place in Rome, and of the acts of violence committed by his political adversaries. He could not fail to grow impatient, and to wish that the war might be ended. It was therefore most opportune for him that Mithridates likewise was desirous of peace, and he was thus enabled to enter into negotiations as soon as Mithridates showed himself ready for them, without sacrificing his own dignity and the interests of the republic.

Meeting of Sulla and Archelaus at Aulis.

Mithridates, as has been related, after the loss of the two great armies in Greece, was no longer labouring under the delusion that he could act as a great conqueror whilst Rome was distracted by internal discord. He therefore commissioned Archelaus to treat with Sulla for conditions of peace; and the two generals, who had lately confronted each other on the battle-field, now arranged a peace-meeting at Aulis. Archelaus, who was thoroughly acquainted with the internal political struggles at Rome, tried at first to save the lost cause of the king by offering Sulla, as an equivalent for favourable terms of peace, the aid of Mithridates against the democratic party at Rome. This offer was rejected by Sulla with indignation. He was far too patriotic to make a league with the enemy of his country against his own fellow-citizens, or to sacrifice the honour and the public interests of Rome, for which he had fought and conquered, to his own private

[1] Above, p. 278.

advantage. Even as a party-leader he still remained every inch a Roman.

Concurrence of Mithridates in the peace negotiations on the basis agreed upon between Archelaus and Sulla.

On the other side Archelaus showed himself equally high-minded. When Sulla stooped to propose to him to play false to his master and to accept from Rome as her ally the kingdom of Pontus in the place of Mithridates, he soon made it clear to him that this was not the way to come to an agreement.[1] It is a curious spectacle to see how these two eminent men, who had proved such chivalrous foes in the field, tried now in the negotiations of peace the arts of cunning and treachery. Fortunately both failed in their object, and this may restore them in our esteem. We may even go so far as to suppose that they too thought better of each other, when they found they were both equally upright and honourable. For from this time their intercourse was marked by signs of mutual respect and friendship, nay of intimacy. Sulla made a present to Archelaus of a large estate in the island of Eubœa. He lodged him during the course of the somewhat lengthened negotiations in his own quarters, and when Archelaus fell sick on the march at the Thessalian town of Larissa, he tarried to nurse him as if he were one of his own family.[2] We should be very reluctant to suspect that this affectionate friendship was a deep-laid scheme for the purpose of making Mithridates suspect the honesty of Archelaus, perhaps in imitation of Flamininus, who by such tricks had succeeded in banishing Hannibal from the councils of king Antiochus.[3] Perhaps there were men who, jealous of the influence of Archelaus, tried to misrepresent his conduct and to ruin him in the king's confidence; but if so, their endeavours were vain. Mithridates, without hesitating or wavering in the least, continued his negotiations with Sulla on the basis which had been agreed upon by the two generals.

This basis of negotiations consisted in the demand

[1] Appian, *Mithrid.* 55: ὁ δὲ Ἀρχέλαος ἔτι λέγοντος αὐτοῦ τὴν πεῖραν ἀπέσείετο καὶ δυσχεράνας ἔφη τὸν ἐγχειρίσαντα οἱ τὴν στρατηγίαν οὔ ποτε προδώσειν.

[2] Plutarch, *Sulla*, 22, 23.

[3] Vol. iii. p. 94.

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Requirements of Sulla.

that Mithridates should give up all his conquests in Europe, Asia, and the islands, surrender all prisoners of war, deserters, and fugitive slaves, restore to their homes the inhabitants of Chios and all other Roman subjects whom he had expelled or carried away, pay two thousand talents, and give up seventy ships of war. In consideration of this he was to be allowed to retain his hereditary kingdom and to resume the position of a friend and ally of the Roman people.

Hesitation of Mithridates.

One can see from these demands that Sulla kept in view the dignity and interests of the Roman republic, and that he did not allow a foreign power to feel that there were divisions and parties in the state whose private interests might be at variance with those of the community. This was what Mithridates had not expected. He sent an embassy to Sulla, and protested against the surrender of Paphlagonia and the ships, giving him at the same time to understand that, if he chose to negotiate with Sulla's rival, he would obtain better terms.[1] But this move was in vain. Sulla was not the man to haggle about terms which he had resolved upon as final. He declared that he would soon be in Asia himself to punish the arrogance of the adventurer who presumed to act as the representative of Rome, and he warned Mithridates that he would do well not to delay the agreement till then. In this stage of the negotiations Archelaus obtained from Sulla a postponement of his decision, promising to use his personal influence with Mithridates in the interest of peace.[2] He would either procure the acceptance of the proposed terms, he said, or lay down his life. Archelaus went, and returned to Sulla with the message that there was a fair prospect of agreement,

[1] Appian, *Mithrid.* 56: ὅτι πλεόνων ἂν ἔτυχε, εἰ πρὸς τὸν ἕτερον στρατηγὸν διελύετο Φιμβρίαν. How Fimbria had in the meantime succeeded to the command of Flaccus' army, we shall see presently.

[2] Plutarch's narrative of this scene (*Sulla*, 23) is very interesting: οἱ μὲν οὖν πρέσβεις φοβηθέντες ἡσύχαζον, ὁ δὲ Ἀρχέλαος ἐδεῖτο τοῦ Σύλλα καὶ κατεπράϋνε τὴν ὀργὴν ἁπτόμενος τῆς δεξιᾶς καὶ δακρύων, κ.τ.λ.

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requesting at the same time that Sulla would consent to a personal interview with the king.

Operations of Sulla in Macedonia and Thrace.

These negotiations occupied a long time. They were prolonged apparently during the greater part of the year 85 B.C. Meanwhile Sulla advanced into Macedonia, restored order and a regular government in this province, and made several expeditions into the adjacent regions of Thrace to punish the barbarians for molesting the subjects of Rome by repeated predatory incursions. At the same time he kept his troops in good practice, and also, by frequent opportunities for making booty, in good humour.[1]

Murder of the consul Flaccus by his legate Fimbria.

Mithridates was in a desperate situation. Whilst he was negotiating about peace with Sulla, the other Roman army had crossed into Asia and was harassing his kingdom, now almost devoid of troops, treating him not only as an enemy of the Roman republic, but also as a partisan of Sulla. The consul Flaccus, the commander of this army, had, as we have seen,[2] avoided a meeting with Sulla, and had marched with his two legions from Macedonia through Thrace to the Bosporus. On this march he quarrelled for some trifling cause with his legate Flavius Fimbria, a violent, passionate, but highly gifted demagogue.[3] The consequence of this quarrel was that Fimbria, availing himself of a temporary absence of Flaccus, caused a mutiny in the camp, and persuaded the soldiers to declare that Flaccus had forfeited the command. The rioters went so far as formally to elect Fimbria as their leader, who thereupon caused Flaccus to be apprehended and put to death.[4] It was an ominous sign of national decay, and of the approaching dissolution of the old republican institutions, when subordination, obedience, and

[1] Appian, *Mithrid.* 55: καὶ Σύλλας τὴν ἐν τοσῷδε ἀργίαν διατιθέμενος Ἐνετοὺς καὶ Δαρδανέας καὶ Σιντοὺς, περίοικα Μακεδόνων ἔθνη συνεχῶς ἐς Μακεδονίαν ἐμβάλλοντα ἐπιὼν ἐπόρθει καὶ τὸν στρατὸν ἐγύμναζε καὶ ἐχρηματίζετο δημοῦ.

[2] Above, p. 295.

[3] Homo audacissimus et insanissimus: Cicero, *Pro Rosc.* 12, 33. Marianorum scelerum satelles: Oros. vi. 2. Sævissimus Cinnæ satelles: Aurel. Vict. 70. Comp. Valer. Max. ix. 11, 2.

[4] Appian, *Mithrid.* 51, 52.

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discipline among the troops lost the magic power which had hitherto, in spite of civil turbulence, distinguished the Roman citizens when they were once enrolled in the legions and had sworn to their leaders the solemn military oath. There had been already cases of mutiny, and even generals had been murdered by their own men during the civil conflicts; but when opposed to a foreign enemy, the Roman armies had always hitherto observed a strict discipline. On the present occasion, a consular army behaved like a band of robbers, and deposed and elected a leader at pleasure, in the very moment when it was on the point of crossing the frontier of a powerful enemy. It is hard to say which is more surprising—the criminal disposition of a licentious soldiery, which acted in defiance of the first of all military virtues, or the pertinacity with which these men and their reckless leaders clung to one another and succeeded in making their enemies respect and fear them.[1]

Successes of Fimbria against Mithridates.

The two legions which Flaccus had brought with him to Macedonia were not a very formidable force, and had moreover suffered some diminution, partly by desertion to Sulla, partly by that wear and tear to which all armies in active service are exposed. Nevertheless Fimbria did not confine himself in Asia, as we might have expected, to predatory and irregular warfare, but pushed on his operations against Mithridates so effectually, that he soon gained a decided advantage, and seemed on the point of compelling the king to submission. He was victorious in several engagements with one of the sons of Mithridates,[2] advanced against Pergamum, from which the latter was obliged to make his escape,[3] and at last shut him up in

[1] Velleius, ii. 24, says of Fimbria in well-weighed terms: Quæ pessime ausus erat, fortiter exsecutus.

[2] Appian, *Mithrid.* 52: καὶ μάχας τινὰς οὐκ ἀγεννῶς ἠγωνίσατο τῷ παιδὶ τοῦ Μιθριδάτου. One engagement was fought, according to Orosius (vi. 2), at Meletopolis; another, according to Frontinus (*Strateg.* iii. 17, 5), at Rhyndacus with a loss of 6,000 men to the Pontic army. Livy (*Epit.* 83) says that Fimbria defeated generals of Mithridates several times. Comp. also Plutarch, *Sulla*, 23.

[3] According to Livy's *Epitome* (83), Fimbria took Pergamum; but this statement can hardly be trusted, as none of the other historians mention it,

the port of Pitane. Here he was almost on the point of ending the war by the capture of the king. He would in that case, under different circumstances, have accomplished the same feat by which Sulla had, in Numidia, appropriated to himself the credit due in reality to Marius, by making a prisoner of the man who was in reality the soul and spirit of the war, for Mithridates embodied in his person the hostility to Rome in Asia, even in a higher degree than Jugurtha had embodied it in Africa.

Refusal of Lucullus to co-operate with Fimbria.

The daring adventurer had a magnificent prize almost within his grasp. The final termination of the war with Mithridates would have been an immense advantage to his party at Rome, and would have made the long and tedious work of Sulla appear of no avail. But Fimbria had not the good fortune of the man who had so much reason for calling himself Felix. He had no ships at hand for blockading Pitane on the sea side, and Lucullus, who had just come up in time with the ships he had collected for Sulla, and had been successful in a few encounters with Pontic vessels, refused to co-operate with Fimbria, because he would have served the opposite party by helping to procure for them this final triumph. The action of Lucullus seems unpatriotic, but we can hardly venture to blame him. For in the first place he owed implicit obedience to his superior general, and he could not act in common with a mutinous leader of mutineers. Besides, he was no doubt aware that negotiations for peace were being carried on between Sulla and Mithridates,[1]

and as Mithridates, according to Appian (*Mithrid.* 56), proceeded 'from Pergamum' to the conference with Sulla at Dardanus. This conference certainly took place shortly before the conclusion of peace in 84 B.C., and Mithridates must therefore have remained in possession of Pergamum. It is true, Appian (*Mithrid.* 60) relates that Fimbria after the desertion of his army at Thyatira went to Pergamum, and there killed himself. But, on the other hand, Plutarch says he killed himself 'in his camp,' and it seems far more probable that a man like Fimbria, when he saw that all was lost, did not first take to flight before he died a voluntary death. Besides, at this time Pergamum must have been already occupied by Sulla, for it lay on the way from the Hellespont to Thyatira, and Fimbria, even if he had taken it, had not troops enough to keep it garrisoned.

[1] This would of course prevent him also from capturing Mithridates, and

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and he might justly think that it was better to have the latter for a friend and ally of Rome, than to have him led in triumph like Jugurtha and strangled in prison. Lucullus could not at that time foresee what was hidden in the dark future, that Mithridates was destined for many years to tax the Roman republic to the utmost in a succession of tedious, expensive, and harassing wars. He accordingly refused to place his ships at the disposal of Fimbria, and thus enabled Mithridates to escape from Pitane to Mitylene, and thence back into his kingdom, resolved more than ever to conclude peace with Sulla as soon as possible.

Wholesale crimes and cruelties of Fimbria.

But before the conclusion of this peace, Sulla was not quite at liberty to proceed against Fimbria; and the latter moved about in Asia Minor from place to place, ostensibly for the purpose of punishing the towns that had rebelled against Rome, but in reality for the purpose of laying them under contribution and plundering them for the benefit of his lawless band, and for the pleasure of indulging in inhuman atrocities. It is related that on one occasion he had ordered a great number of crosses to be got ready for a wholesale execution, and that on finding there were more crosses than persons condemned to die, he ordered some of the bystanders to be seized and crucified, lest the crosses should have been prepared in vain.[1] Frantic cruelty like this may seem to pass the bounds of credibility, but we shall no longer hesitate to credit it if we consider the treatment of Ilium, which is perfectly authenticated.[2]

Atrocious treachery of Fimbria to the people of Ilium.

Ilium had for a long time enjoyed the credit of being the mother town of Rome; but this reputed kinship had unfortunately not prevented her from joining in the general rebellion. She had welcomed, or at least ac-

handing him over to Sulla. Whilst negotiations of peace were pending, such an action would have been perfidious, though not without precedent in the history of Rome. In the Jugurthine war Metellus tried to hire a murderer of the king with whom he was treating for peace, and the capture of Jugurtha was also an act of base treachery.

[1] Dio Cass. *Fragm.* 104.

[2] Appian, *Mithrid.* 53.

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cepted, the government of Mithridates. Prepared now to return to her allegiance, she had for that purpose made overtures to Sulla, and received a reassuring reply from him. Accordingly when Fimbria appeared before the place, and summoned it to surrender, he heard that his rival had anticipated him. He assumed the appearance of approving the step that the Ilians had taken in applying to Sulla, and begged to be admitted into the town, because as a Roman he was delighted at the renewal of friendship with a town which was connected with Rome by the closest ties. When, upon this, the Ilians opened their gates, he ordered a general massacre of the citizens, and caused the town to be burned without sparing a single building. The temples, crowded with fugitives, were set on fire; the walls were demolished down to their foundations, so that, as the historians remark, Ilium was more systematically destroyed by her own sons than by Agamemnon. Fimbria's rage was stimulated, not so much by the rebellion of the Ilians as by the fact that they had opened negotiations with Sulla, and thereby recognised him as the legitimate representative of the Roman state. This fault he attributed to the magistrates of the town in particular, and he therefore caused them to be tortured to death.

Interview between Sulla and Mithridates at Dardanus.

At length a stop was put to these fiendish excesses of a man who from a mutineer had now grown to be a captain of bandits, murderers, and burners. The negotiations between Mithridates and Sulla had led to the acceptance of the Roman terms by Mithridates. The final settlement of the various stipulations was reserved for a meeting between him and Sulla fixed to take place at Dardanus on the Hellespont, not far from Abydus. At this interview Mithridates, trusting to his powers of persuasion,[1] tried once more to cast the guilt of the rupture on the Romans and to clear himself from all responsi-

[1] Plutarch, *Sulla*, 24: ὑπολαβὼν ὁ Σύλλας ἔφη πάλαι μὲν ἑτέρων ἀκοῦειν νῦν δ' αὐτὸς ἐγνωκέναι τὸν Μιθριδάτην δεινότατον εἶναι ῥητορεύειν κ.τ.λ.

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bility.[1] But Sulla was inaccessible to his arguments, and insisted on his acceptance of the terms as he had dictated them. Mithridates had no choice but to submit. When this was done, a formal reconciliation took place. Sulla embraced and kissed the man who had cruelly murdered many thousands of his countrymen. He then ordered the kings of Bithynia and Cappadocia to be admitted to seal their peace with Mithridates in like manner. This was too much for the pride of the Pontic sovereign. He turned away disdainfully from Ariobarzanes, calling him the son of a slave. How Sulla smoothed over this difficulty we do not know. He was no doubt anxious to avoid further delay, for many reasons urged him to bring the operations in the East to an end and to return to Italy.

Death of Fimbria.

But before he could seriously think of this return he was obliged to settle his account with Fimbria. It was impossible for him to leave this reckless adventurer in Asia at the head of an armed force, and he felt it his duty to deliver the Roman province of this scourge. Having crossed the Hellespont with his whole army, aided by the ships of Lucullus and those which he had himself caused to be built in the course of the past year, he marched in the spring of 84 B.C. straight against Fimbria, who lay encamped in the neighbourhood of Thyatira. The soldiers of the latter showed no desire to encounter the superior forces of Sulla. On the contrary, even when, on their march through Macedonia, Flaccus, their commander, had intended to lead them against Sulla, they had exhibited such unmistakable signs of a predilection for service under the latter general, that Flaccus quickly turned round and marched towards Asia. After the murder of Flaccus they had been accustomed by Fimbria to the lawless life of

[1] Appian, *Mithrid.* 56: ἦσαν δ' οἱ λόγοι Μιθριδάτου μὲν ὑπόμνησις φιλίας καὶ συμμαχίας ἰδίας καὶ πατρῴας καὶ ἐπὶ τοῖς Ῥωμαίων πρέσβεσι καὶ προβούλοις καὶ στρατηγοῖς κατηγορία, ὧν ἐς αὐτὸν ἐπεπράχεσαν ἀδίκως . . . . καὶ τάδε," ἔφη, "πάντα ἔπραξαν ἐπὶ χρήμασι παραλλὰξ παρ' ἐμοῦ τε καὶ παρ' ἐκείνων (Nicomedes and Ariobarzanes) λαμβάνοντες· ὃ γὰρ δὴ μάλιστ' ἄν τις ὑμῶν ὦ Ῥωμαῖοι τοῖς πλείοσιν ἐπικαλέσειεν, ἔστιν ἡ φιλοκερδία.

armed robbers, and every vestige of military discipline had disappeared. When therefore Sulla approached and began to dig trenches round their encampment for the purpose of shutting them in and blockading them, crowds of them deserted Fimbria, ran over to the Sullanian troops, and lent their help in the work of digging the trenches. Fimbria tried in vain to keep them together. He implored them to remain faithful to their standards and to swear that they would not abandon him. It was in vain. Nevertheless Fimbria would not yet give himself up for lost. He tried to persuade a slave to enter the camp of Sulla, to obtain access to his person and to assassinate him. When this plan also had failed, Fimbria had the face to ask Sulla to grant him an interview. Sulla sent instead of himself Rutilius, one of his officers, and was generous enough, or perhaps we should say imprudent enough, to offer to this irreconcilable traitor and scoundrel his life and liberty, if he would promise to leave Asia. Whether this offer was made honestly and seriously we do not know. It was impossible for Sulla to forget that such a desperate and able party leader and soldier as Fimbria, if he placed himself at the disposal of the Marian party, would eventually prove an extremely dangerous opponent. We are therefore inclined to suspect that Sulla played false, and only intended under some fair pretext to secure the person of Fimbria. Perhaps the latter suspected this. He looked for no mercy at the hands of Sulla, and seeing that all was lost he chose death by his own hand.[1] His troops without further difficulty placed themselves under Sulla's command.

Regulation of the province of Asia by Sulla.

The overthrow and death of Fimbria brought the war to a close, for in Asia as well as in Italy the struggle of the republic with a foreign enemy was complicated by a contest of Romans with Romans. But even now Sulla was not yet in a position at once to return with his army

[1] Appian, *Mithrid.* 59, 60. As shown above, p. 302, n. 3, there is some doubt whether, as Appian relates, Fimbria first went to Pergamum, and there killed himself in the temple of Æsculapius.

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to Italy. The province of Asia was in a condition of such terrible disorder and confusion that he felt it his duty to remain for a time, and to restore with the authority of Rome something like a regular legal government. His first task was to punish and to reward. The atrocious deeds of blood which had been committed in so many places against Italian citizens called for retribution, or at least for a severe punishment of the guilty authors of the massacres. Executions took place in Ephesus and many other places. The unhappy towns which had already tasted the cruel tyranny of Mithridates were now forced again under the yoke of the dominion of Rome. Some of them resisted, and it was necessary to employ force. The slaves liberated by order of Mithridates were handed over to their masters. The confiscated land which had been assigned to new possessors was resumed and restored to the former owners. All the traces of the sweeping social revolution were, as far as was possible, obliterated, all losses compensated, a task, as may be imagined, of appalling difficulty, for the losses had been great and the claims for compensation were undoubtedly still greater. Besides, Sulla required money for his soldiers and for himself. He was obliged to reward the troops who, having stood by him for four years, felt dissatisfied at seeing Mithridates with all his treasures slip out of their hands. The people of the towns were compelled not only to provide the men quartered on them with all that they needed of food and drink, but actually to furnish their pay,[1] and besides this they had to pay the full amount of taxes for the last five years and an extraordinary contribution of twenty thousand talents. These payments not only absorbed all that was left them after such continued spoliation, but compelled them to raise loans at exorbitant rates of interest from Italian usurers who had

[1] Plutarch, *Sulla*, 25: ἐτέτακτο γὰρ ἑκάστης ἡμέρας τῷ καταλύτῃ τὸν ξένον διδόναι τέσσαρα τετράδραχμα καὶ παρέχειν δεῖπνον αὐτῷ καὶ φίλοις, ὅσους ἂν ἐθέλῃ καλεῖν· ταξίαρχον δὲ πεντήκοντα δραχμὰς λαμβάνειν τῆς ἡμέρας, ἑσθῆτα δὲ ἄλλην μὲν οἰκυροῦντα, ἄλλην δὲ εἰς ἀγορὰν προερχόμενον. On this occasion we do not hear the silly remarks about Capuan winter-quarters. See vol. ii. p. 272.

quickly found their way into the province in the wake of the victorious army. As a security for these loans private persons and corporations were compelled to mortgage lands and houses, the property of the temples, theatres, gymnasia, in short everything of any value; and this load of debt weighed for many years on the shoulders of the afflicted population.[1]

Treatment of Rhodes, Chios, and Ilium.

A more agreeable task for Sulla than the punishment of the guilty was the rewarding of those who during the severe crisis had remained loyal to Rome. Rhodes in the first place, Magnesia, the towns of Lycia, and several others were rewarded with special privileges, immunities, and acquisitions of territory to compensate them for their losses and sacrifices. The unfortunate city of Ilium, which by acknowledging Sulla's authority had drawn upon itself the cruel treatment of the ferocious Fimbria, was the object of Sulla's special care. The people of Chios and other places who had been transported into exile to Pontus were brought back to their homes according to the conditions of peace, and received compensation. Everywhere Sulla endeavoured with justice and wisdom, by punishments and rewards, to do what circumstances permitted for the restoration of order and well-being in that war-harassed country.

Increase of piracy and robbery.

It may easily be conjectured that his success could be but partial. The wounds which had been struck were too deep to be healed at once. One of the scourges from which Asia had had to suffer were the lawless bands of robbers and pirates; and these were rather increased than diminished by the conclusion of peace. Runaway slaves, deserters, rioters, mutineers, and other malefactors from the army of Fimbria in fear of retribution, professional thieves and robbers, rabble of every description, were collected in regular bands like armies, and carried on the work of plunder and murder on the largest scale.[2] Among the towns which, even while Sulla was present in Asia, were surprised and pillaged by the pirates, we

[1] Appian, *Mithrid.* 62, 63.

[2] Appian, *Mithrid.* 63.

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find Samos, Clazomenæ, and Samothrace. The booty taken from the famous sanctuary of the latter alone is said to have amounted to a thousand talents. It was impossible for Sulla to put a stop to these fearful disorders at once, even if he had not been absorbed by other cares and administrative questions. He found it necessary to remodel the whole system of taxation in the province of Asia, and to define accurately the rights and duties of the different communities. In these labours he was assisted by two able officers, L. Licinius Murena and Lucius Lucullus. On his departure he left the former of them behind in command of the two legions of Fimbria; to the latter he entrusted the administration of the province.

Departure of Sulla from Asia.

The whole year 84 B.C. was occupied with all these various labours of reorganization and pacification. At the end of it Sulla collected his army at Ephesus and sailed straight across the Ægean Sea to the Piræus. In Athens he made arrangements for the march of his troops to Patræ, and for the passage of a part of them thence to Dyrrhachium. He himself spent the winter in Greece, being detained by an attack of gout, for which he sought relief in the warm springs of Ædepsus in Eubœa. Yet neither bodily illness nor the most momentous political problems with which he must have been all this time engaged, prevented his ever-active mind from occupying itself with many other subjects. He caused himself to be initiated into the Eleusinian mysteries, and evinced his lively interest for Greek literature by procuring, and apparently rescuing from destruction, the original writings of Aristotle, which at least in their totality had not been known to the world until then, and were first published in consequence of their acquisition by Sulla.[1]

[1] Plutarch, *Sulla*, 26: καὶ ἐξεῖλεν ἑαυτῷ τὴν Ἀπελλίκωνος τοῦ Τηΐου βιβλιοθήκην, ἐν ᾗ τὰ πλεῖστα τῶν Ἀριστοτέλους καὶ Θεοφράστου βιβλίων ἦν, οὔπω τότε σαφῶς γνωριζόμενα τοῖς πολλοῖς. Strabo, xiii. 1, 54. To what extent the story related by Plutarch and Strabo may be correct, is an interesting but as yet unsolved problem. That the writings of Aristotle were altogether kept secret after his death is neither probable, nor is it asserted by Plutarch and Strabo.

Early in the year 83 B.C. Sulla marched with that part of his army which had not been transported by sea through Thessaly, Macedonia, and Epirus to Dyrrhachium, and crossed without meeting any difficulty to Italy, where he landed at the head of five legions and a body of Greek auxiliaries, altogether a force of forty thousand men.

Extent of his services to the Roman state.

There can be no difference of opinion as to the grandeur of the operations conducted by Sulla during the three and a half years of his absence from Italy. Nothing can be compared with them that any Roman general had ever accomplished before. Nor had any of the previous generals exhibited in addition to military qualities so much of the wisdom of the statesman, such care and interest for the welfare of the state as distinguished from the success of a party as did Sulla, and by this superiority of mind he is characterized as the forerunner of the coming monarchs.[1]

They can have spoken only of the copies coming directly from the library of Aristotle himself, and it is most likely that this collection contained much which was altogether unknown to the general public, or not known in the form and completeness of the original copies.

[1] Velleius, ii. 24, 4: Vix quicquam in Sullæ operibus clarius dixerim quam quod cum per triennium Cinnanæ Marianæque partes Italiam obsiderent, neque illaturum se bellum iis dissimulavit, nec quod erat in manibus omisit, existimavitque ante frangendum hostem quam ulciscendum civem, repulsoque externo metu, ubi quod alienum esset vicisset, superaret quod erat domesticum.

CHAPTER XVIII.

THE DOMINION OF THE MARIAN PARTY IN ROME. 87–83 B.C.

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Political changes in Rome after the departure of Sulla.

WHEN in the autumn of the year 87 B.C. Sulla left Italy for his eastern campaign, he could not have anticipated that he would be absent for nearly four years. The sudden rise of the power of Mithridates, and the peril which threatened the Roman dominion in Asia and Greece, had induced him to hurry his departure and to leave the work of restoration which he had just begun in Rome to the care of his party. But even before he left the town for his camp he might have foreseen that this party was destined to encounter great difficulties; and it is not likely that either the man at the head of the party or the quality of the average members could inspire him with great confidence. They all lacked courage, enthusiasm, public spirit, and ability. They were the same men who had tamely submitted to a Saturninus and ignominiously deserted their champion Metellus.[1] After his departure they were without a head, and they were confronted by men zealous and even fanatical for their principles, and now urged on by hatred and revenge. The inevitable consequence of this state of things was a sudden and complete revolution, in which the Sullanian reform was swept away and the popular party was again raised to power.

Murder of the consul Pompeius Rufus.

It was arranged that Quintus Pompeius Rufus, the second consul of the year 88 B.C., should, during the absence of his colleague Sulla, have the command of the army which had been in Picenum under the command of Pompeius Strabo, and was now no longer required there

[1] Above, p. 162.

after the ending of the war in those parts. With this army Rufus was to replace the army of Sulla after its departure to Greece and stamp out the remnants of opposition in different parts of southern Italy, whilst at the same time he would protect the institutions of Sulla and secure the nobility in the possession of the government. But these calculations miscarried at the very outset. Pompeius Rufus had scarcely made his appearance in the camp when he was murdered by the soldiers in a way which has not been detailed by our informants, and for reasons which are not explained. Suspicion was naturally thrown on his predecessor Pompeius Strabo, who had just handed over the command to him. It is at the least certain that Strabo punished the perpetrators of the murder only with words, and immediately resumed the command as if nothing had happened. Yet, if he really had a hand in the crime, as seems but too likely,[1] he acted from motives of personal ambition and not in the interest of the opposite party. He remained true to the cause of the optimates, and put himself under the orders of the government in the civil war which broke out immediately after.

Alleged tactics of Sulla's opponents.

The news of his colleague's assassination reached Sulla even before he had left Rome. It was a most sinister omen of what was to come, and might well make him anxious for his own personal safety. His friends kept watch about his person day and night, and he found it advisable to leave Rome soon and to join his troops near Capua, where he was at least safe from secret enemies. It is related that at Cinna's instigation a tribune of the people, called Virginius, prepared a public accusation against him. But this can hardly be credited. His enemies, however eager and impatient to assail him and his institutions, surely could not have forgotten already that not long before he had taken a bloody revenge for a personal attack directed against him. It was too dan-

[1] Velleius (ii. 20, 1), whose opinion is not to be slighted, accuses Strabo of having instigated the soldiers to mutiny.

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gerous to provoke such a man as long as he stood at the head of an army within easy reach of Rome. Most probably they were prudent enough to bide their time, and to wait quietly until Sulla should have led his legions across the Ionian Sea.

Proposition of Cinna for the recall of all persons exiled by Sulla.

But no sooner had the news of this reached Rome than Cinna began to moot the question of the recall of the persons outlawed and exiled by Sulla.[1] He came forward as a decided champion of the democratic principles in opposition to his colleague Octavius and the Sullanian senate, bringing forward again the old disputed question of the reception of the new citizens into all the thirty-five tribes.[2] Unfortunately for the party of order, this measure was in itself just and reasonable, and, in spite of all their opposition, they were in the end obliged to accept it, just as they had already, however reluctantly, acknowledged the claim of the Italians to share the Roman franchise. It was most unfair, though quite in the spirit of Roman conservative practices, to cling to a privilege with the utmost tenacity, and, even when it had been given up in principle, to make the concession illusory by some manipulation in the execution. The same tactics had been practised in olden times by the patricians in their long-continued struggle with the plebeians, and it was now made apparent that in the main the spirit and character of the Romans had remained the same, though the forms of the constitution had undergone fundamental changes.

Cinna uses force to carry his measures. Battle in Rome, and victory of the Sullanian party.

Cinna could only hope to carry his measures if he was prepared to use force, for both the nobility and the people of Rome, however opposed to each other in other questions, were of one mind when they were asked to make concessions to the Italians. He accordingly assembled armed bands in the forum whilst the people were summoned to give their vote. By means

[1] Aurel. Vict. 69: L. Cornelius Cinna primo consulatu legem de exulibus revocandis ferens ab Octavio collega prohibitus et honore privatus urbe profugit.

[2] Velleius, ii. 20. Cicero, *Phil.* 8, 2.

of these he was attempting to obtain the formal sanction of the comitia to his proposal, even against the intercession of the tribunes. Though the government could prevent a hasty or illegal popular vote by constitutional checks,[1] it seems that on this occasion the senate and the magistrates, being divided, did not think fit to avail themselves of their powers, or that Cinna meant to act in spite of them. The government relied on more effective means, and in truth it could only oppose force to force. The consul Octavius entered the forum with a body of armed men and attacked his colleague's supporters like a hostile army. A regular battle ensued. According to a statement of Plutarch, which we would fain believe to be vastly exaggerated, about ten thousand persons were killed. The Sullanians at last remained in possession of the ground, and the voting for the proposed law of Cinna was in this effective manner adjourned.[2]

Real point at issue between the contending parties.

Thus the civil war had broken out again after a very short interval, and before all the Italian insurgents had laid down their arms. The point at issue between the contending parties in Rome was one in which the Italians were even more interested than the Romans, namely, whether the Roman franchise which had been given should be given fairly and fully, or whether in the giving it should be made illusory. Thus the cause of the popular party became the cause of the allies or new citizens from Italy, and these Italians were drawn into the internal disputes of Rome as the opponents of the close and narrow conservatives. It was natural that their cause must in the end prevail, just as the cause of the ancient plebeians in the end prevailed, because the strength and

[1] Above, p. 171.

[2] Plutarch, *Sertor.* 4. Comp. Cicero, *Catil.* iii. 10, 24: Cn. Octavius consul armis ex urbe collegam suum expulit: omnis hic locus acervis corporum et civium sanguine redundavit. Cicero, *P. Sest.* 36, 77: Cædem tantam, tantos acervos corporum exstructos, nisi forte illo Cinnano et Octaviano die, quis unquam in foro vidit? Froude, *Cæsar*, p. 60, is very severe in his condemnation of Octavius. He calls it 'an act of savage, ruthless ferocity, certain to be followed with a retribution as sharp and as indiscriminating.'

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weight of numbers was on their side; but they only prevailed after a long and bloody struggle.

Appeal of Cinna to the Italian allies.

After the failure of his attempt to pass his law Cinna was obliged to leave Rome. As a last resource, and following an example often set already, he had sought to gain the slave population to his cause by the promise of freedom. But he had failed, and he now turned to the Italian communities of new citizens, for whom he had acted as champion, to organize them to an armed resistance against the Roman government. It was natural that towns like Prænestе and Tibur, which had for ages with conscious pride and self-sufficiency maintained their independent position as self-governing communities apart from the body of Roman citizens, should resent as an insult and a degradation the proposal that they should be ranked, like freedmen or ærarians, with the dregs of the population, in a few tribes of inferior dignity and of no real importance in the constitution. These towns therefore and many others joined the party of Cinna and supplied him with men and money. He could, moreover, count on those Italians who, like the Samnites and Lucanians, had not yet laid down their arms. Besides, without reckoning runaway slaves, all Italy swarmed with men who for years had been more accustomed to the irregular life of soldiers than to agricultural or other labour. Most of these probably did not know what to do for a living, and would gladly join any adventurer who promised them pay, booty, or plunder.

Election of L. Cornelius Merula as consul in place of the deposed Cinna.

After their bloody victory in the forum the party in possession of the government caused the expelled consul to be formally deposed, and elected in his place L. Cornelius Merula, who was flamen or priest of Jupiter. The deposition of a consul, which was a violation of the fundamental laws of the republican constitution,[1] had since the time of Tiberius Gracchus ceased to be considered an illegal measure; and under the present circumstances nobody would have scrupled to resort to it, as a man who, like

[1] Vol. iv. p. 80.

Cinna, had become an open enemy of Rome, could not be considered as entitled to the protection of the law. Besides, the government disposed of a sufficient military force, which might seem to relieve it from strictly legal considerations. Even after Sulla had left Italy with his five legions there were three large armies in the peninsula: the army of the north in Picenum under Pompeius Strabo, the army which was besieging Nola in Campania under Appius Claudius, and the southern army under Metellus Pius in Apulia.

Return of Pompeius Strabo for the protection of Rome.

Pompeius Strabo, as we have seen, had retained the command of the northern army after the murder of Rufus by the troops.[1] He now received orders from the government to return for the protection of Rome, and, while some doubted his loyalty and suspected him of selfish ambition, complied with the order. Moving very slowly[2] he marched southward and took up his position before the Colline Gate on the north-eastern side of Rome.

March of Cinna upon Rome.

Thus one of the three armies was at the disposal of the consuls at the seat of government. They were less fortunate with the second army. Cinna on his expulsion from Rome had proceeded straight to Campania, entered the camp of the troops before Nola, and prevailed upon the men to acknowledge him as legitimate consul and their leader. He was now in possession of a regular military force, and had the satisfaction of seeing it quickly swelled by volunteers from many Italian towns, who justly saw in him their champion. He was now in a position similar to that in which Sulla had been not long before, and he imitated Sulla in marching upon Rome. Here the optimates were in great perplexity. They had no confidence in themselves, no courage, and, what was worst of all, no able leader. The consul Octavius was indeed a man of honour, but neither enterprising as a soldier nor prudent as a statesman. He was not equal to the difficult task he had to perform, and his colleague the priest

[1] Above, p. 312.

[2] Oros. v. 19: Diu sese novarum rerum aucupatione suspenderat.

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Merula was still less so. Pompeius Strabo, who commanded the troops of Picenum outside the Colline Gate, played a somewhat dubious game, and seemed undecided to which side he should finally turn.[1] The whole party of the optimates was thus destitute of firmness, unity, and spirit. Many were cowardly enough to leave the town when they heard that Cinna was approaching at the head of a formidable army of mutinous soldiers, insurgent Italians, and a motley rabble of slaves and adventurers, bent on rapine and murder.

Character and motives of Q. Sertorius.

Among those who had flocked to the standard of Cinna there was at least one man of honour and single-minded patriotism. Quintus Sertorius, a brave and able officer, had already distinguished himself in the Cimbric and in the Social wars, and had joined the popular party when Sulla had opposed him in his candidature for the tribuneship. Having not yet served in any of the higher offices of state, he could not occupy a prominent position even in his own party. Had he been at the head of it he would perhaps have led it to victory without sullying it with unnecessary acts of violence and cruelty. But he held a comparatively subordinate place, and instead of him another man took the lead, who by his frenzied atrocities has exposed the democratic party and himself to the detestation of the world.

Incidents of the flight of Marius from Rome.

This man was Caius Marius, the saviour of Rome from the invasion of the northern barbarians. After his flight in the previous year from the victorious Sulla the ferocious spirit which had long been slumbering in him had been awakened. All the nobler elements of his character had been extinguished in him by the ignominy he had passed through, by the hardships, wants, and dangers of his flight; and only one feeling had been richly fed and had morbidly grown, the craving for revenge. On the day on

[1] Licinian. pp. 23, 25, 27, 29, ed. Bonn. Velleius, ii. 21: Dum bellum infert patriæ Cinna, Cn. Pompeius, Magni pater, . . . frustratus spe continuandi consulatus, ita se dubium mediumque partibus præstitit, ut omnia ex proprio usu ageret temporibusque insidiari videretur, et huc atque illuc, unde spes maior affuisset potentiæ, se exercitumque deflecteret.

which Sulla entered Rome victorious[1] he had fled to Ostia, and, separated from his son, then nineteen years old, and other companions of his flight, he had, in company with his stepson Granius, embarked on board a vessel which, sailing along the coast, was compelled by adverse winds to come to land near Circeii. The fugitives wandered about the coast, tormented with hunger, thirst, and fatigue, and yet they avoided the neighbourhood of human dwellings for fear of being betrayed to the pursuers who were on their track. It so happened that two vessels were just sailing along not far from the land. They entered the water, waded and swam towards the vessels, two faithful slaves supporting Marius and holding him with difficulty above the water. In this moment horsemen came galloping along and called out to the skippers to give up the fugitives or to throw them overboard. But the skippers had too much respect for the grey head of Marius, whose name was then in every mouth. They refused to surrender him; yet, fearing the danger they incurred by their refusal, they tried nevertheless to rid themselves of him. They entered the mouth of the river Liris, and persuaded Marius to go on land to rest until a favourable wind should spring up. He lay down and fell asleep, and awoke to find the vessels gone and himself left to his fate.

Capture and escape of Marius at Minturnæ.

For a while Marius remained speechless and despairing, stretched out on the ground. But soon he rallied and bethought himself of the old prophecy that he should be consul seven times before he died. He dragged his weary limbs along the low marshy ground which fringes the Liris near Minturnæ. An old fisherman kindly received him in his poor hut, and hid him under reeds and grass in a hollow on the river's bank. When from this hiding-place Marius perceived horsemen in the distance looking for him, he waded into the muddy water up to his neck. But he had been discovered. Dragged out of the morass naked and covered with mud, with a

[1] Above, p. 236.

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leather strap round his neck, he was conducted by the horsemen into the neighbouring town of Minturnæ[1] and handed over to the local authorities for execution. All now seemed over, and most other men would have welcomed death as a deliverance from superhuman sufferings. But the aged Marius was borne up by his unshaken trust in his destiny, and he was actually saved from imminent death as by a miracle. The magistrates of Minturnæ resolved to carry out the sentence of death, and sent a Cimbric slave[2] as executioner to the house where Marius was detained. On entering the room the slave encountered the fiery eye of the old man, and his heart sank within him. But when Marius, rising from his couch, addressed him with the words, 'Man, do you dare lay hands on Caius Marius?' the barbarian flung away his sword and ran out of the house, exclaiming 'I cannot kill Marius.' The good people of Minturnæ beheld in the craven fear of the slave a sign from the gods. They too were now afraid to lay hands on Marius. They resolved not to have anything to do with the execution of the death-warrant; they even determined to aid him in his flight, provided him with necessaries, and put him on board a ship.[3] On the island of Ænaria (Ischia), just off the Campanian coast, Marius fell in again by good chance with his stepson Granius and other companions of his

[1] Velleius, ii. 19, 2: Iniecto in collum loro. Oros. v. 19: Turpi spectaculo Minturnas ductus.

[2] Plutarch (*Mar.* 39) cannot decide whether the slave was a Cimber or a Gaul. This accidental remark shows that he did not consider the Cimbri to be Gauls. Comp. above, p. 88. Appian (*Bell. Civ.* 1, 61) calls the slave a Gaul, but Velleius (ii. 19, 3), distinctly speaks of a German: Ad quem interficiendum missus cum gladio servus publicus natione Germanus, qui forte ab imperatore eo bello Cimbrico captus erat.

[3] It is a remarkable circumstance that, as far as we know, the people of Minturnæ were never punished for disobeying Sulla's order. Nay, it is reported that the owner of the vessel in which Marius escaped from Minturnæ, by name Belæus, caused afterwards a tablet to be fixed in a sanctuary at the spot from which the vessel sailed, with an inscription in honour of the deed. Plutarch, *Mar.* 40. Perhaps Sulla chose to ignore the disobedience of people of no weight, whilst he was inexorable in crushing opponents who could thwart his policy.

flight. Steering southwards they made an attempt to land in Sicily in order to procure water. But the Roman prætor of the island had already news of the events in Rome and endeavoured to seize the person of Marius. He attacked the party which had landed and killed sixteen of them, upon which Marius and the rest made haste to leave the inhospitable coast.

Marius among the ruins of Carthage.

Their flight was now directed further to the island of Meninx in the lesser Syrtis. Here Marius was informed that his son had succeeded in reaching Numidia, and that he was in good hopes of obtaining assistance from king Hiempsal. Marius, roused from utter despondency by this glimpse of better fortune, ventured to set his foot on the soil of the province of Africa, the prætor of which, Sextilius by name, had no cause to be hostile to him. He landed at Carthage. Here a messenger came to him from the prætor bidding him to leave the province immediately. Marius listened to the message wrapt in painful reflections, and for a while did not utter a word. When he was asked at length to give a reply, he said, 'Tell your master that you have seen Marius as a fugitive sitting among the ruins of Carthage.'

How much of this scene is true we will not pause to inquire.[1] It is but too likely that much of the detail of the adventurous flight of Marius is due to fiction, and this scene has more of the character of mere fiction than any of the rest. But there is really in this scene a most impressive picture of fallen greatness, which gives it, in spite of historic doubts, a certain historic value. The ruins of the mighty rival of Roman greatness and power are seen as the background for the figure of the man who for a time represented in his person the majesty of the Roman republic, and was now hunted from place to place like a wild beast of the forest.

Meanwhile young Marius was in great danger in

[1] It is in the highest degree improbable that the prætor of Africa would have been satisfied with sending a simple message to Marius. He had no choice but either to befriend him openly or to seize and kill him.

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Detention of the younger Marius in Numidia. His escape.

Numidia, where king Hiempsal, in true Numidian style, was playing a double game. His only object was to stand well with the rulers in Rome, to whatever political party they might belong. He treated young Marius kindly, but kept him in a sort of confinement in order to have it in his power to declare for or against the Marian party. From this critical situation the young man is said to have freed himself through the favour of one of the king's wives, who had fallen in love with him and provided him with means for flight. He found his way to his father, and the two repaired to the island of Cercina, where they patiently waited for the storm to blow over.[1]

Return of Marius to Italy.

They had not to wait very long. Towards the end of the year 87 B.C. came the news of the revolution which had taken place in Rome, and an invitation from Cinna to Marius to return to Italy.[2] He hardly needed the summons. He had been nerved and supported in all his troubles by the hope that he would finally be able to return home, to take a bloody revenge on his enemies and to be invested for the seventh time with the consular dignity. All this stood now in immediate prospect. He collected ships and a body of Mauretanian horse and Italian fugitives,[3] left Africa, and soon landed in the small Etruscan port of Telamon, where he at once put himself in communication with Cinna.

[1] Plutarch, *Mar.* 35, 40. Appian, *Bell. Civ.* i. 61, 62. Cicero, *P. Sest.* 22, 50; *P. Planc.* 10, 26. Velleius, ii. 19, 4. Valer. Max. i. 57, 5; ii. 10, 6. Aurel. Vict. 67.

[2] Velleius, ii. 20, 5: C. Marium cum filio de exilio revocavit (sc. Cinna), quique cum iis pulsi erant. Dio Cass. *Fragm.* 102, 8: ἐπειδὴ ὁ Κίννας τὸν νόμον τὸν περὶ τῆς καθόδου τῶν φυγάδων ἀνενεώσατο. The last word (ἀνενεώσατο) is explained by the passage of Aurelius Victor, 69 (above, p. 314, n.1). Plutarch (*Mar.* 41) and Appian (*Bell. Civ.* i. 67), differing from Velleius and Dio, report that Marius did not wait for a formal invitation, but returned to Italy of his own accord. The two statements are not necessarily conflicting; for Marius in his impatience may have been on his way to Italy before Cinna's invitation could reach him.

[3] According to Plutarch (*Mar.* 41) and Licinianus (p. 23, ed. Bonn.), not more than 1,000; according to Appian (*Bell. Civ.* 1, 67), about 500. It is not easy to understand how it was possible to collect even the smaller number, considering the wretched plight in which Marius found himself in the small island of Cercina. Perhaps the prætor of Africa lent his help. In that case it would be explained why he left Marius unharmed. See p. 321, n.

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Marius invested with proconsular powers by Cinna.

The latter, acting and being recognised by Marius as legitimate consul, offered him proconsular power, which meant in reality the chief conduct of military operations. The name of Marius had never ceased to have a magic sound in Italy. His great victories over the barbarians, magnified by popular terror, and the unexampled number of his six consulships, had long made him appear the first man in Rome, and now the sympathies of his old soldiers and of the whole population were intensified by the reports of the amazing risks and adventures from which he had escaped as by a special interference of the gods. The feeling was that he had been treated with shameful ingratitude, and he took care to strengthen this feeling by the ostentatious display of grief and gloom in his personal appearance. His hair and beard were left untrimmed; his demeanour was that of a wretched suppliant oppressed by his enemies; his dress exhibited no insignia of any public office.[1] Thus he went about from place to place to excite sympathy and collect volunteers to his standard, nursing all the time his revengeful spirit for the day of retribution, when he hoped to wipe off the disgrace he had suffered in the blood of his foes.

Plan of Marius for reducing Rome by famine.

In Etruria Marius called upon the agricultural labourers, freemen as well as slaves, to range themselves under his orders, and he had in a short time brought together a force of six thousand men. With these he manned forty vessels, sailed southwards along the coast and blockaded the mouth of the Tiber. His force soon was swelled to three legions.[2] He took possession of Ostia,[3] and of several other towns, such as Antium, Lanuvium, and Aricia, where great quantities of corn were stored for the supply of Rome. Everywhere his bands

[1] Licinian. p. 23, ed. Bonn.: Et cum deformis habitu et cultu ab iis videretur qui eum florentem victoriis norant, supplicemque se omnibus quasi oppressus ab inimicis commendaret, mox legionem voluntariorum conscripsit. Appian, *Bell. Civ.* i. 67: ῥυπῶν δ' ἔτι καὶ κόμης ἔμπλεως ἐπῆει τὰς πόλεις, οἰκτρὸς ὀφθῆναι.

[2] Oros. v. 19.

[3] According to Orosius (v. 19) Ostia was taken by force, according to Plutarch (*Mar.* 42) and Licinianus (p. 25, ed. Bonn.) by treason.

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plundered, destroyed, murdered. Whoever was not for the democratic party fell a victim to their fury.[1] Above Ostia Marius caused the Tiber to be blocked by a bridge. He had in conjunction with Cinna formed the plan of cutting off Rome from all supplies, and of compelling it by hunger to surrender. For this purpose Sertorius blocked the Tiber above the town, and Cinna himself with the chief force took up his position on the eastern side of Rome opposite the army of Strabo, who had pitched his camp, as we have seen, before the Colline Gate.

Fight for the Janiculan hill.

Meanwhile Rome had almost fallen into the hands of the democratic generals by a surprise. Marius marching along the Tiber upwards had reached the Janiculum. The detachment on duty here was commanded by a military tribune called Appius Claudius, who on some former occasion had received benefit from Marius and felt on that account personally devoted to him. He delivered up his post, and thus the assailants penetrated into the town. But as they advanced they met with vigorous resistance. After a sanguinary street fight Octavius and Pompeius Strabo drove them again out of the town with the loss of several thousand men, and they would also have regained possession of the Janiculum if on Strabo's advice the pursuit had not been given up. Strabo, it is said, wished to prolong the contest, to enhance his own importance and thereby to gain the consulship for himself.[2]

The aristocratic party concede the full and equal franchise for all the tribes.

The position of the government in Rome became from day to day more critical. The aid which was expected from Gallia Cisalpina did not arrive, for Cinna had cut off the communication with the north of Italy by occupying the town of Ariminum. The garrison of Nola, consisting of insurgent Italians, when they were relieved by the withdrawal of the besieging army, which had gone over to Cinna, came out of the place which they had held so

[1] Oros. v. 19: Cunctos in his urbibus præter proditores interfecit, bona suis diripienda permisit.

[2] Licinian. p. 25, ed. Bonn.

long, burnt the Campanian town Abella, and in their way continued the Social war against Rome, by acts of hostility against the ruling party in Rome, which had from the first opposed their claims and now tried to curtail their rights. The consuls were therefore obliged to order the last army which was at their disposal, under the command of Q. Metellus Pius, to evacuate Apulia and to march to their support towards the capital, leaving the Samnites masters of the south of Italy. At the same time they tried at last to conciliate the Italians by making that concession of a full and equal franchise in all the tribes, the refusal of which had been the cause of the present conflict between the democratic and the aristocratic party.[1] Thus there was really no cause left for a dispute. The opponents might have joined hands in peace, if the contest had not shifted from the ground of political principles to personal antipathy, and if passions had not been aroused which could no longer be allayed by a peaceful compromise.

Ineffectual negotiations with the Samnites.

Metellus before leaving Apulia endeavoured to come to an agreement with the Samnites, by which, on the ground of the political concessions made by the Roman government, hostilities should cease. But the Samnites, either elated by the perplexities of their enemies or doubting their sincerity, demanded, in addition to the acknowledgment of their political claims, immediate military concessions of a kind such as could only be extorted by a victorious enemy. They insisted upon the Romans giving up their prisoners of war and the booty, though refusing to do the same on their part. Metellus had too much of Roman pride in him to listen to such overtures. He broke off the negotiations and marched homewards, leaving a force under his legate Plautius to keep the Samnites in check. This force was soon after defeated by the Samnites, whereupon Cinna sent Fimbria to Apulia to conciliate the Samnites, granting them, in the name

[1] Liv. 83.

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of the popular party, all they had asked for, and thus securing their co-operation in the contest with the optimates.[1]

Battle between the armies of the government and of the democratic party.

Thus the conflict was drawn more and more from the remote parts of Italy into the immediate vicinity of Rome. The government was strengthened by the army of Metellus and by sixteen cohorts from several Italian towns which had been gained over by the late concession. Octavius, Strabo, Metellus, Milonius, Crassus, disposed of a force which was in numbers and in military organization superior to the hastily collected bands of their opponents.[2] Many sanguinary encounters took place between them and the insurgents under Cinna, Sertorius, Fimbria, Carbo, and Marius,[3] some of them under the very walls of Rome, and in the sight of the anxious and distressed people. Among the lamentable incidents of these civil conflicts it is related that on one occasion a soldier in Strabo's army recognised in a slain enemy, whose spoils he was just about to take, his own brother; that he gave him a solemn burial and then slew himself upon the tomb.[4] Nothing can illustrate the horrors of this deplorable war more forcibly than such an incident; and we can readily understand that among many of the combatants, in whom patriotism was not yet quite dead, the conviction gained ground that they were sacrificed not for a sacred cause, but for the personal ambition of a few men.

Pressure of famine and disease.

When, by the cutting off of supplies from outside, want began to be felt by the dense population of the city, disease in the wake of hunger soon began the work of destruction. But the troops massed in the pestilential neighbourhood of Rome must have suffered not less than

[1] Transactions like these must be borne in mind, if we would understand the savage animosity which Sulla after his victory evinced against the Samnites.

[2] Appian, *Bell. Civ.* 1, 62.

[3] One of these encounters is related by Velleius, ii. 21: Pompeius magno atrocique prælio cum Cinna conflixit, cuius, commissi patratique sub ipsis mœnibus oculisque urbis Romanæ pugnantibus spectantibusque quam fuerit eventus exitiabilis, vix verbis exprimi potest.

[4] Oros. v. 19. Licinian. p. 25, ed. Bonn.

the people within the walls. Many thousands are said to have been carried off on both sides, and Pompeius Strabo himself was struck down by disease.[1]

Gloomy prospects of the aristocratic party.

The prospects of the government became gloomier day by day, and the spirits of their troops more depressed. No military action of a useful kind was to be expected from the consul Merula, the priest of Jupiter. The other consul, Octavius, was a brave soldier and a man of honour, but at the same time a pedant, who thought that under abnormal and extraordinary circumstances, and in great dangers, he could act with the usual constitutional powers and in the customary way. The proconsul Pompeius Strabo was an able general of much experience, but he possessed neither the confidence of his party nor the attachment of his soldiers. On the contrary he was universally suspected, feared, and hated. Perhaps it was no loss to the government that in the very crisis of the conflict he was carried off by a sudden death. It was related that as he lay sick on his couch in his tent he was struck by lightning. A few days afterwards he died, and his body was dragged about in the mire by an infuriated mob of citizens and soldiers, to be tossed at last into a grave like that of the meanest wretch.[2]

Departure of Metellus for Africa.

After the death of Pompeius Strabo, the consul Octavius took the command of his troops, left the immediate vicinity of Rome, and took up a position on the Alban hill, probably with a view of getting out of the fever district near the town, and of procuring more easily the necessary supplies for his troops. But these troops were by this time totally demoralised. They had no confidence in the military skill of their new general, and demanded to be placed under the command of Metellus. When this was refused, they deserted in crowds and joined the Marian ranks. It was found necessary to lead the army back into the town to prevent further desertion. Metellus,

[1] Oros. v. 19: Undecim milia virorum de castris Pompeii mortua, sex milia autem de parte Octavii consulis desiderata sunt.

[2] Velleius, ii. 21, 4. Licinian. p. 29, ed. Bonn.

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seeing that with such troops there was no prospect of any success, endeavoured to negotiate a reconciliation with Cinna. Being on that account charged by Octavius with treacherous designs,[1] he gave up the cause of the optimates for lost, left Rome, and crossed over into Africa.[2]

Surrender of Rome to Cinna.

Marius and Cinna now came up close to the walls of Rome. The usual appeal was made to the slaves. Criers approaching within earshot called upon them to join the popular party under the promise of freedom. This time the invitation proved effective. Driven by hunger, not only slaves but great numbers of free citizens left the town and swelled the bands of Cinna. Further resistance was now despaired of, as there was no prospect of relief from abroad. Octavius was now himself compelled no longer to oppose the step which he had condemned in Metellus, and to allow a deputation to be sent to Cinna to offer the surrender of the town. Cinna asked the messengers of the senate whether they were sent to him as the lawful consul, and, when they could not answer in the affirmative, dismissed them without deigning a reply. Within the senate the question was now debated, whether Cinna who had been deposed, or Merula who had been elected in his place, should be regarded as the lawful consul. Out of this dilemma the senate was saved by Merula himself, who voluntarily resigned his office. The messengers could now appear a second time before Cinna and address him as consul. They found him seated on his chair of office, dressed in the insignia of the highest dignity and surrounded by his lictors. By his side stood the greyheaded Marius listening to the words of the messengers with a sinister scowl on his face, but not uttering a word. The time for stipulations was passed.

The senatorial negotiators had to confine themselves to entreaties, and actually succeeded in obtaining from Cinna the promise that no blood should be shed, although he declined to confirm his promise with an oath. The

[1] Diodor. xxxviii. 2.

[2] Plutarch, *Mar.* 42; *Crassus*, 6.

gates were now opened, and Cinna forthwith entered the town with his troops.

Entry of Marius into Rome. The five days' massacre.

Marius, however, stopped outside, remarking with a bitter smile that it was not fit that a man exiled by a formal sentence should return without permission. Cinna lost no time in calling the people together through the tribunes for the purpose of repealing their former resolution.[1] Not before this was done did Marius and his chosen band of lawless followers enter the city; and then began that awful scene of murdering, plundering, and destroying which has sullied the name of Marius for ever.[2] His vindictive spirit was seconded by associates of equal ferocity, such for instance as the bloodstained Flavius Fimbria,[3] and the leaders were surpassed in every evil passion by the soldiery, maddened with success after a long delay. Worst of all, among these were the runaway slaves, who broke into the houses of their masters, dragged forth the fugitives from their hiding-places, and delighted in outraging, torturing, and murdering them. These atrocities were continued for five days.[4] Then at length Cinna interfered. By his orders Sertorius fell in the night upon the bands of Marius and cut them to pieces.

Murder of the consul Octavius.

We would fain believe that Sulla and the writers of his party who related the details of these horrors have with unfair partiality indulged in misrepresentation and exaggeration; nor are there wanting proofs that they did so.[5] But too much is so well attested, that on the whole we cannot materially modify the impression which we receive from the records of these evil days. Besides the

[1] Velleius, ii. 21. Appian, *Bell. Civ.* i. 70. According to Plutarch (*Mar.* 43), Marius was so impatient that he did not wait for the final decision of the popular assembly, but broke into the town before three or four tribes had had time to vote.

[2] Dio Cass. *Frgm.* 102, 8–11. Appian, *Bell. Civ.* i. 71 ff. Plutarch, *Mar.* 43 f.

[3] Above, p. 304.

[4] Dio Cass. *Frgm.* 102, 11.

[5] It is not difficult to see that Plutarch's narrative especially is very unfair, and even hostile to Marius, and there can be no doubt that much of it is derived indirectly from Sulla's own memoirs.

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nameless people of the humbler classes who were massacred in the wholesale butcheries by the gang of wretches let loose by Marius, we are informed that many senators and a still greater number of Roman knights were put to death. One of the first victims was the consul Octavius himself. This pedantic and superstitious, but at the same time honourable and conscientious man,[1] had not only refused to consent to treat with the enemy, but he also disdained to seek safety in flight.[2] Rome was not hemmed in on all sides, and he might easily have escaped, as many at the very last moment did, who knew their lives to be in danger. Octavius was urged by his friends to mount a horse which they had kept ready for him, but he proudly refused to leave the town over which he presided as first magistrate. He had in him something of the Roman spirit of those men of olden times, who, instead of flying from the Gallic hordes of Brennus, had fearlessly offered their heads to the deathblow. Sitting on his curule chair and dressed in full consular insignia, he calmly awaited his murderers. His head fell under their blows, and it was the first that was stuck up on a pole before the orator's platform in the forum. The heads of many other magistrates and senators were soon ranged alongside; the bodies of the slain were left to be devoured by the dogs and birds of prey.[3]

Murder of the orator Marcus Antonius.

Among the foremost men whose names we can distinguish in the great mass of victims was Marcus Antonius, the grandfather of the triumvir, the eminent orator rivalled in his own time by Crassus alone. For reasons with which we are not acquainted he was the object of special hatred to Marius. Perhaps he had used the power of his eloquence to wound the pride of Marius, as long afterwards Cicero's sharp tongue inveighed against the

[1] Velleius, ii. 22.

[2] Diodor. xxxviii. 2: ὁ δὲ Ὀκταούιος οὐδενὶ τρόπῳ συγχωρήσειν ἑαυτὸν ἔφη καὶ τὴν Ῥώμην ὑπὸ τὴν Κίννου δυναστείαν· καὶ γὰρ ἂν πάντες αὐτὸν καταλίπωσιν, ὥμως ἑαυτὸν διατηρήσειν ἄξιον τῆς ἡγεμονίας. ἐὰν δὲ ἀπογνῷ πάσας τὰς ἐλπίδας, ὑφάψειν μὲν τὴν ἰδίαν οἰκίαν, συγκατακαύσειν δὲ αὐτὸν μετὰ τῆς οἰκείας οὐσίας καὶ τὸν μετ' ἐλευθερίας θάνατον εὐγενῶς ἀναδέξεσθαι.

[3] Appian, *Bell. Civ.* i. 72.

triumvir Antonius. When the massacre began he had succeeded in making his escape from the town and had found a refuge in one of his farms, the steward of which for a time concealed him from the spies of Marius. The imprudence of the simple-minded servant at last let out the secret, and it was betrayed to Marius just as he was lying at table. Delighted with the news Marius jumped up from from his couch, resolved to proceed at once in person to his enemy's hiding-place and to take his life. With difficulty he was persuaded to give this up and to leave to others the execution of his vengeance. A certain Annius was sent with a number of soldiers to despatch Antonius. But so powerful was the charm of his eloquence that the rude soldiers, overcome with pity and veneration, durst not raise their swords or even their eyes to him, and, like the slave in Minturnæ, shrank from the deed. Annius, exasperated by the delay, ran up the steps into the room and plunged his sword into the body of Antonius, whose head was now ranged along with the others to turn into a place of infamy and disgrace what had been for ages the august scene of political life, where the wisdom, the courage, and eloquence of a long line of statesmen had swayed and directed the listening crowds around them.[1]

Extent of the massacres. Death of Lutatius Catulus.

Among the other victims of democratic vengeance that fell during these bloody days are mentioned Lucius Cæsar, consul of the year 90 B.C., his brother Caius, Atilius Serranus, Publius Lentulus, Caius Numitorius, Marcus Bæbius, Quintus Ancharius, Publius Crassus, consul of the year 97 B.C., and the latter's son.[2] This is not a very long list, and may seem not to bear out the description given in general terms of the barbarities of Marius.[3] Perhaps we may assume that the list is incomplete, though perhaps

[1] Plutarch, *Mar.* 44. Appian, *Bell. Civ.* i. 72.

[2] Appian, *Bell. Civ.* i. 72, 73.

[3] Compare more especially Dio Cass. *Frgm.* 102, 8: ὁ Μάριος οἵ τε ἄλλοι οἱ σὺν αὐτῷ ἐσεπήδησαν ἐς τὴν πόλιν μετὰ τοῦ λοιποῦ στρατοῦ κατὰ πάσας ἅμα τὰς πύλας καὶ ἐκείνας τε ἔκλεισαν ὥστε μηδένα διαδρᾶναι καὶ πάντας τοὺς ἐπιγιγχάνοντάς σφισιν ἐξειργάσαντο, μηδένα αὐτῶν ἀποκρίνοντες ἀλλὰ πᾶσιν αὐτοῖς ὁμοίως ὡς πολεμίοις χρώμενοι, κ.τ.λ.

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few eminent men would have been omitted. It is also possible, nay highly probable, that many men whose lives would have been sacrificed found means to escape, as for instance a certain Cornutus, who was saved through the fidelity of his slaves.[1] But after all we cannot suppress a certain degree of mistrust in the veracity of the writers who are unfortunately our only authorities. It seems that the massacres were not quite so indiscriminate and wholesale as they are described. This may to a certain extent be inferred from the fact that two men who had more especially provoked the anger of the conqueror, namely Lutatius Catulus and Merula, were not put to death in hot blood, but duly arraigned in legal form and called upon to justify themselves. Catulus, it will be remembered, had been engaged under Marius in the great battle with the Cimbri, and, though he had always been opposed to Marius in politics, had been honoured by him in a most generous manner by being allowed to share his triumph over the Cimbri.[2] For this signal act of magnanimous friendship Catulus not only showed no gratitude, but he made it his business to depreciate the merits of his rival and to extol himself at his expense. Not content with this, he had in the year just elapsed shown himself as his bitterest enemy on the occasion of his flight from Rome.[3] These two circumstances are sufficient to convince us that in the period of aristocratic reaction against the popular party, Catulus was among the foremost and most uncompromising opponents of Marius. It might therefore have been expected that he would now have been one of the first victims of his victorious rival. Why should not Marius have killed him as unceremoni-

[1] It is satisfactory to notice, among so many instances of the faithlessness and cruelty of slaves and masters, that there were also kind masters and grateful slaves. It is related that the murderers on the track of Cornutus were baffled by his cunning slaves, who showed them the body of a stranger for that of their master, whom they pretended to have killed out of revenge. Appian, *Bell. Civ.* 1, 73.

[2] Above, p. 112.

[3] Appian, *Bell. Civ.* 1, 74: Λουτατίῳ Κάτλῳ περισωθέντι μὲν ἐκ Μαρίου πάλαι ἀχαρίστῳ δ' ἐς αὐτὸν καὶ πικροτάτῳ περὶ τὴν ἐξέλασιν γενομένῳ.

ously as he killed the consul Octavius or the orator Antonius and others? The circumstance that he instituted a legal prosecution against him seems in itself to indicate that the forms of justice were not in every case set aside, for even a summary court-martial implies some sort of regular procedure, and differs widely from indiscriminate massacre. Catulus, we are informed, even now had some hopes of generous treatment, and prevailed on himself to implore mercy from the man whom he had so deeply injured.[1] He met of course with a blunt refusal. Yet the fact that Catulus could venture to make the application, and that he entertained hopes of saving his life, seems hardly to be in harmony with the statement that every one whom Marius met in the street, and whose greeting he refused to return, was without hesitation cut down by his satellites. Catulus probably would have been sentenced to death by his judges, and knowing this he anticipated their sentence by inhaling the fumes of a charcoal fire.[2]

Death of Merula.

It is still more surprising that Merula, instead of being killed at once, was formally prosecuted by process of law. In Cinna's eyes he must have been guilty of a mortal offence, for he had allowed himself to be elected consul after his own illegal deposition. Possibly he was too insignificant to draw the wrath of the victors on himself. But if that was so, it is not clear why he was prosecuted. He ought to have been ignored altogether, and in a general massacre he would hardly have had a chance of escaping. It is true Merula did not avoid the penalty of death, but he too fell by his own hand. With all the pedantry of that formal system of ceremonies which the Romans called religion, he first took off the cap which he wore as flamen of Jupiter, because the rules of the sacred law did not allow a priest to wear this in the hour of death.

[1] According to Diodorus (xxxviii. 4, 2) he implored Marius personally; according to Plutarch (*Mar.* 44), it was done through the interposition of others, which is far more likely.

[2] Appian, *Bell. Civ.* i. 74.

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He also took care that this scrupulous observance of the law should be duly recorded by entering the fact in his writing tablet before he proceeded to open his veins and bleed to death.[1]

Flight of Sulla's wife from

It is not reported, and we may therefore doubt, that the vengeance of the Marian party was also directed against the innocent relatives of their political opponents, for which there was a sad precedent in the suppression of the insurrection of Caius Gracchus.[2] We are told that Metella, the wife of Sulla, fled with her children from Rome, and with the other fugitives proceeded to Greece; that hereupon Sulla's town-house and his villas and farms were destroyed, and his property confiscated. But we are not told whether Metella's flight was a precautionary measure, or whether, if she had stayed, she and her children would have been sacrificed to the political hatred of her husband's enemies. As there are no proofs for the latter alternative, we are not justified in charging Marius with a criminal intention.

Seventh consulship of Marius. His death.

When Marius had tasted the full sweetness of revenge, he had the satisfaction of seeing his lifelong wish realised by his election to a seventh consulship. He assumed, in company with Cinna, the chief magistracy of the republic for the year 86 B.C., as reported, without going through the legal forms of a regular election in the comitia.[3] A bright

[1] Appian, *Bell. Civ.* 1, 74.

[2] Vol. iv. p. 480. If the executions caused by Marius had been as sweeping and comprehensive as is implied by the vague report of Plutarch, we find some difficulty in the fact, that not long afterwards the younger Marius found so many men left against whom he could proceed in the same way. See below, p. 354.

[3] This is expressly stated in the epitome of Livy's eightieth book: Et citra ulla comitia consules in sequentem annum se ipsos renunciaverunt. We cannot help being surprised that Marius and Cinna should think proper to dispense with a legal formality which could have caused them no difficulty and no delay, and without which their consulship had a flaw of irregularity in it. The other writers, besides Livy, contain no hint that the popular election was omitted. Appian (*Bell. Civ.* i. 75) says: τοῦ δ' ἐπιόντος ἔτους ὕπατοι μὲν ἤρρητο Κίννας τε αὖθις καὶ Μάριος ἕβδομον. The suspicion thus raised against the statement in the epitome of Livy is increased by the word *citra*, which is never used by the real Livy in the sense of *sine*. The passage in question is therefore probably not taken from the text of Livy, but is the addition of some interpolator

future seemed to lie before him. His party was victorious, and in the uncontested possession of the government. In the far East new triumphs seemed to be in store for him, for he could now confidently reckon on obtaining the chief command in the war with Mithridates, and he hoped to overthrow at the same time this great enemy of the republic and also his personal enemy and rival. But this dream of success was short. Whether in consequence of the exertions and hardships of his flight, or of the great excitement since his return, the health of the septuagenarian suddenly broke down, and he died after a short sickness, in which, whilst his body was shaken with fever, his fancy transported him into the turmoil of battle.[1] The calumny of his enemies afterwards reported that, from fear of the speedy return of Sulla and the retribution that would follow, Marius had sought consolation by stupefying himself with intoxicating drinks, and that he thus brought on the fever which carried him off.[2] The story is absurd. We know that at this time, in the year 86 B.C., Sulla was so deeply engaged in his Greek campaign, and so far from having overcome the formidable difficulties of his task, that the story of his speedy return being apprehended is almost ludicrous. And who would venture to charge Marius with fear? If he was ever betrayed into fear, surely he had no cause for it at a time when he was sole master of the commonwealth after the total overthrow of his enemies. His death is suffi-

f the Sullanian party. We meet with a similar perversion of facts in the wrong statement of the age of the younger Marius (*Epitome*, 86), according to which he 'ante annos viginti per vim consul creatus esset.' This is contrary to the evidence of Appian (*Bell. Civ.* i. 87), who says that he was twenty-six years old, and it does not harmonize with the narrative of the flight of Marius, according to which the son was then not a boy, but a young man. Above, p. 322. It has been shown lately by Wölfflin (*Comment. in honorem Mommsen.* p. 340), that the epitome does not always faithfully render the text of Livy.

[1] Plutarch, *Mar.* 45. Cicero, *De Nat. Deor.* iii. 33: Cur Marius tam feliciter septimus consul domi suæ senex mortuus est?

[2] Plutarch, *Mar.* 45: μάλιστα δὲ πάντων φοβούμενος τὰς ἀγρυπνίας ἐγέβαλεν ἐς πότους ἑαυτὸν καὶ μέθας ἀώρους καὶ παρ' ἡλικίαν ὥσπερ ἀπόδρασιν τῶν φροντίδων τὸν ὕπνον μηχανώμενος.

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ciently explained from the causes we have assigned, and we are in no way driven to seek additional reasons in the slanders of his enemies.[1]

Character of Marius as a soldier and a statesman.

The judgment pronounced on Marius by posterity is not, like that on many other eminent men, wavering and contradictory. He is not one of those who to some have appeared heroes, to others malefactors, nor has he had to wait for ages, like Tiberius, before his true character became known. Disregarding the conscious misrepresentations of his personal enemies, we may say that he has always been taken for a good specimen of the genuine old Roman, uniting in his person in an exceptional degree the virtues and the faults of the rude illiterate peasant and the intrepid soldier. No one has ever ventured to deny that by his eminent military ability he rendered essential service to his country. Nobody has doubted his austere virtues, his simplicity and honesty,[2] qualities by which, no less than by his genius for war, he gained for himself the veneration of the people. On the other hand it is universally admitted that as a politician he was incompetent, and that he was only a tool in the hands of those with whom he acted. Yet it is not his incompetency to act as a statesman that makes the last part of his career appear in gloom and fouls his brightest laurels. Had he in the consciousness of his deficiency withdrawn into private life when his military services were no longer needed, or had he been satisfied to serve his country in a humbler sphere when age and infirmity warned him to give place to others, he would have been reverenced by all succeeding generations of his countrymen as the third founder of Rome, as another Romulus or Camillus.[3] But

[1] Diodor. xxxvii. 29, 4: *ποορώμενος τὸν ἀπὸ τοῦ Σύλλα πόλεμον μετέστησεν ἑαυτὸν ἐκ τοῦ ζῆν ἑκουσίως.* Aurel. Victor, 67: Ut quidam ferunt, voluntaria morte decessit. This story of a voluntary death, which goes a step further than that of the drinking debauches for the sake of bringing on oblivion, deserves no attention whatever. It only shows that speculation on the death of Marius had free scope.

[2] Velleius, ii. 11, 1, calls Marius 'vita sanctus,' and Cicero, *P. Sert.* 22, 50, even 'divinus.' Diodorus somewhat qualifies this praise (xxvii. 29, 2).

[3] Comp. Juvenal, x. 278.

morbid ambition and revengeful passion urged him at last to deeds which make it doubtful whether it would not have been better for Rome if he had never been born.[1] He has therefore neither deserved nor obtained unmixed admiration; but as his darkest deeds were committed in moments when he was half mad from the sufferings and indignities he had endured, and when perhaps he hardly knew what he was doing, he may, in the opinion of humane judges, gain by comparison with Sulla, who acted from reflection and in cool blood when he consigned thousands to death and enacted the horrid spectacle of the proscriptions.

Restoration of the old democratic forms. Supersession of Sulla by the consul Valerius Flaccus.

The vacancy in the consular office caused by the death of Marius was filled by the election of Lucius Valerius Flaccus, and the new government now proceeded to carry out the programme of the popular party: First the restoration effected by Sulla was swept away, all his laws repealed, and the former democratic organization re-established. Then in order to gratify the great mass of the poorer citizens three-fourths of all debts were declared to be cancelled, a revolutionary measure of the most ominous kind which was simply wholesale confiscation to the detriment of the moneyed class. Sulla did not inspire any serious apprehension. When his adherents had either been killed or expelled from Italy, his houses destroyed, his possessions confiscated, he was formally outlawed as an enemy to the republic, and the consul Flaccus was sent with two legions to Greece to take the command of his army in the war with Mithridates. The choice of a substitute for Sulla could not have fallen upon a more incompetent man. To deprive a Sulla of the command of five legions devoted to him was a task which perhaps a Marius could have undertaken. It required a man whose name carried weight with the troops. But Flaccus was utterly insignificant, and, worst of all, he was hated by the men on account of his avarice. His expedition, as we have

[1] Velleius, ii. 12: Hac victoria videtur meruisse, ne eius nati rem publicam pœniteret.

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seen, proved an utter failure. Insubordination and mutiny crippled him from the moment he set out. When he approached the neighbourhood of the Sullanian troops, his own began to desert, so that he was obliged to give up the plan of taking the command from him, and to march away in the direction of Asia to carry on the war with Mithridates independently of Sulla. Soon after this he was, as we have seen, murdered by his troops, and his legate Fimbria, who succeeded to the command, could do nothing to assert the authority of the government established in the capital.[1]

Negligence and remissness of the democratic party.

Having despatched the two legions to Greece, Cinna and the other leaders of the democratic party neglected all further military preparations. They raised neither naval nor land forces, nor did they think of putting the Italian ports, where Sulla might land on his return from the East, into a proper state of defence, or of securing them by sufficient garrisons. If they had had a fleet at their disposal, they could easily have thwarted Sulla's movements and have made it impossible for him to bring back his army to an attack on Italy. But nobody seemed to think a fleet necessary, or to apprehend that a government so firmly established as the present could be seriously threatened by a rebellious general.[2]

Seeming disruption of the empire into an eastern and a western half.

The great excitement of the year 86 B.C. was, in truth, followed by a period of comparative quiet, at least of exhaustion. The flight of the most prominent and zealous members of the aristocratic party, who gradually flocked to Sulla's camp and there formed a kind of opposition senate, had restored unanimity in the senate at Rome. The Italians and the Roman democrats saw their hopes realised, and all Italy was longing for rest and peace. The provinces submitted to the consequences of the events which had delivered Rome and the government of the republic into the hands of the popular party. Whilst

[1] Above, p. 301.

[2] All this is a refutation of the statement that Marius drank himself to death out of fear of Sulla's return. Above, p. 335.

Sulla was continuing the war with Mithridates, Cinna caused himself and Cn. Papirius Carbo to be elected consuls for the following year (85 B.C.). It seemed almost that the Roman state had, in anticipation of what happened some centuries after, been divided into a western and an eastern part, each with a separate government, territory, and policy; that the magistrates, senate, and people of Rome had no concern in the fate of the East; and that Sulla with his army and his own senate of exiles had formed a secession on the grandest scale, establishing a distinct political community apart from the mother country.

Report of Sulla to the Roman senate after the conclusion of peace with Mithridates.

But in reality it was not so. As soon as Sulla had concluded peace in the name of Rome with the enemies of Rome, he sent in 84 B.C. a report to the Roman senate, ignoring the fact that this senate no longer recognised him as their general, and that in the eyes of the government for which he acted he was a proclaimed traitor. He enumerated the deeds he had done, and declared his willingness to acknowledge the rights which the new citizens had acquired in the course of the troubles after his departure. Yet he added that he meant to take revenge on those who had so cruelly persecuted his friends and adherents.[1]

Reply of the senate to Sulla.

The senate had not yet quite degenerated to be a willing tool in the hands of a few party leaders. It still contained men of intelligence, firmness, and moderation, who were not blind to the critical position of the republic.[2] It therefore resolved to enter into negotiations with Sulla, a resolution by which the hostile declarations against him were silently revoked. It was determined that pending the negotiations the consuls should make no preparations for war, for it was taken for granted that Sulla on his return to Italy would, like any other general after the conclusion of peace, dismiss his army. Some of the shrewder

[1] Appian, *Bell. Civ.* i. 77.

[2] Among these should be counted the elder L. Valerius Flaccus, distinct from the L. Valerius Flaccus, the consul of 86 B.C., who was sent to take the command in Greece instead of Sulla. He was now foreman of the senate and moved the resolution. Liv. 83. Comp. Mommsen, *R. G.* ii. 321, n.

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men might doubt the accuracy of this view; but it was under the circumstances thought wise not to show any distrust, and Sulla was accordingly assured that he could reckon on the protection of the senate, if he required it. Even the two consuls Cinna and Carbo did not think fit to oppose this conciliatory resolution. But immediately upon the departure of Sulla's messengers with the senate's proposals, they nominated themselves consuls for the following year (84 B.C.) and collected ships and men in the whole of Italy to meet the attack of Sulla and the returning optimates, which they had good reason to anticipate.

Demands and threats of Sulla.

The hopes that might have been entertained in Rome of some sort of compromise between Sulla and his opponents were soon dispelled by these untoward armaments. And soon the news arrived that Sulla had no intention of committing his personal safety to the good will of his opponents. He sent a second message to the senate in which he reiterated his peaceful promises to the people in general and his menaces to his enemies in particular, adding the demand that his friends who had been expelled should be restored to their honours and dignities and compensated for all their losses. As regarded his own safety, he said very significantly that it was not necessary for the senate to guarantee it. On the contrary, it was he that could answer for the safety of the senate and all his friends, for he had an army on which he could rely.[1] This was a sufficiently clear warning that he had resolved to keep his power, and to settle the quarrel not by an amicable agreement with his opponents, but by force of arms.

Return of Sulla's messengers.

In truth Sulla had, in adopting this resolution, selected the only way open to him; for at the very time when his messengers arrived in Brundusium, they heard of the hostile steps which the consuls had meanwhile taken against him. Instead of continuing their way to Rome, they accordingly turned back and brought him the news they had heard as a sort of ultimatum.

It was Cinna's intention not to await Sulla's arrival in

[1] Appian, *Bell. Civ.* i. 79. Livius, 84.

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Italy, but to meet him in Greece. For this purpose he had hastened his preparations and collected an army near Ancona, from which port he proposed to cross the sea to Liburnia. A detachment of his force had already landed on the eastern coast of the Adriatic; a second met with such tempestuous weather that it was obliged to return. The soldiers now showed signs of discontent, and objected to being sent to fight against their countrymen. Desertion began to thin their ranks. Cinna endeavoured to curb the refractory spirit by a rigorous enforcement of discipline, but he only hastened the outbreak of open mutiny. With undaunted spirit he appeared among them and rebuked their lawlessness. But his words and presence had not that magic spell which has often enabled more popular generals to cow mutineers into submission. He was assailed and stoned to death by his own men. The murder of a general by his own troops had ceased to be an unheard-of crime in the times of civil and military anarchy which accompanied the civil wars. We have had to record it several times; but Cinna was the first general who was invested with the august insignia of the consular office when he met with this sad fate.[1]

Murder of the consul Cinna by his troops.

The death of Cinna put an end to the plan of sending out an expedition to meet Sulla in Greece. Carbo ordered the detachment which had already crossed to return, and determined to await Sulla's arrival in Italy. He displayed extraordinary zeal and activity, and succeeded in raising within a short time no less than two hundred cohorts of infantry. At the same time he obstinately resisted all the efforts of the moderate portion of the senators, who still clung to the hope of coming to an understanding with Sulla and of inducing the leaders of both parties to disarm. For a long time he even refused to come to Rome for the purpose of presiding at the elections for Cinna's successor in the consulship, as he feared that the general

Activity of Carbo as sole consul.

[1] Valerius Flaccus, when he was killed by his soldiers, was proconsul (according to Velleius, ii. 24), not consul, as falsely reported by Appian, *Mithrid.* 52. See above, p. 301.

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dread of a new civil war would cause the people to elect a man inclined to peace. When at last he could no longer resist the urgent appeals of the senate, he came indeed to Rome, but in the end prevented the election from taking place under the pretext of an unfavourable omen, and so he remained in office as sole consul for the rest of the year 84 B.C. In his armaments he relied chiefly on the zeal of the new citizens. Yet to secure the fidelity of the Italian communities he proposed taking hostages from them as from foreign enemies, a plan which he was finally prevented by the resistance of the senate from carrying out.[1]

Election of C. Norbanus, an uncompromising opponent of Sulla, to the consulship.

Amidst these preparations for the impending conflict the remainder of the year 84 B.C. passed away. At length the consular elections for the year 83 B.C. were proceeded with, and resulted in the choice of Lucius Cornelius Scipio, a great-grandson of Scipio Asiaticus, and of Caius Norbanus. The former of these, it appears, was a man of moderate politics and not disinclined to a peaceful arrangement; but unfortunately he possessed but slender capacities. The other consul, C. Norbanus, was a hot champion of the popular party. He had played a conspicuous part as early as 103 B.C. when he brought an indictment against Servilius Cæpio, and all his influence was given in the direction of uncompromising resistance to Sulla's demands.[2]

Strictly personal character of the struggle.

Under these circumstances a collision with Sulla was inevitable, and all Italy looked forward with misgivings to a contest which must have appeared the more deplorable, as the great question so long disputed was set at rest by the declaration of both parties that the new Italian citizens were entitled to vote equally with the old citizens in the thirty-five tribes. The question at issue seemed no longer

[1] The bearing of the senate on the whole furnishes a proof that, in spite of the executions and the terrorism of Marius, it contained no inconsiderable number of men who did not belong to the party of extreme democracy. This circumstance, too, tends to show that the cruelty of Marius has been somewhat exaggerated. See above, p. 329.

[2] Above, p. 94.

to be one of principles of government, but which set of men, which of the leaders of the old parties, were to be in power and which were to perish. A reconciliation was no longer possible between men who were actuated by old grudges and deep-seated hate, nor was there any alternative for either combatant but victory or ruin and death.[1] In the political party feuds of ancient Greece there were as in modern Europe neutral foreign states in which the members of a defeated party might take refuge, where they could hope to find not only present security for themselves but the means or at least the hope of returning to their homes. For the Romans also in a former period of their history there had been in Italy a number of independent states to which Roman exiles could retire in safety. But at the present time the Roman power stretched as far as the furthest boundaries of the habitable world. There were no foreign nations or princes who could have ventured to give an asylum to a Roman exile. Therefore a civil struggle in Rome which went the length of civil war could be ended only by a victory which utterly crushed and disabled the defeated party. If we bear this in mind, we shall not wonder that so much blood was shed in the civil wars in Rome, and that so little mercy was shown to the leaders of one party by those of the other. On the contrary, we shall find on an impartial comparison that the revolutions in the Greek republics were marked by much more cruelty, and were accompanied by a comparatively greater loss of life.

[1] Appian, *Bell. Civ.* 1, 81: *οἱ δ' ἐν ἄστει . . . οὐδὲν σφίσι νίκης ἢ πανωλεθρίας μέσον εἶναι νομίζοντες, συνίσταντο τοῖς ὑπάτοις ἐπὶ τὸν Σύλλαν μετὰ δέους . . . . οὐδὲν ὡς περὶ ἐσχάτων σφίσιν ἀπολείποντες οὔτε σπουδῆς οὔτε προθυμίας.*

CHAPTER XIX.

THE CIVIL WAR IN ITALY. 83–82 B.C.

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Position of Sulla.

WHEN Sulla undertook for the second time to attack the democratic party, he found himself in a much less promising situation than when he accepted the challenge in 88 B.C. At that time he was the legitimate consul, and stood at the head of his legions at no great distance from Rome. His enemies had no armed force to oppose to him. He had nothing to do but to march against them. They were overthrown and expelled from power without an effort. Now on the contrary he was an outlawed rebel, the enemy of the legitimate government which was in possession of the constituted authority of the state and had all the regular resources of the republic at its disposal. His situation was even more difficult now than at the time when he was confronting Mithridates with only his own genius and his faithful legions to rely on. In that war he had after all acted as the *de facto* representative of the Roman state—now this state was itself the enemy whom he had to oppose. Nor could it be doubted that during the four years of his absence the democratic government had been generally acknowledged, and to a certain extent was now looked upon as the protector of the existing order of things.[1] The majority of the Roman citizens, more especially the recently admitted Italians, considered Sulla as the man bent upon bringing about a new revolution, by which the existing economical relations would be again

[1] Appian, *Bell. Civ.* i. 82: ἡ γὰρ εὔνοια τῶν ἀνδρῶν ἐς τοὺς ὑπάτους παρὰ πολὺ ἐποίει, ὡς τὸ μὲν ἔργον τὸ Σύλλα, χωροῦντος ἐπὶ τὴν πατρίδα, δόξαν ἔχον πολεμίου, τὸ δὲ τῶν ὑπάτων, εἰ καὶ περὶ σφῶν ἔπραττον, πρόσχημα τῆς πατρίδος.

disturbed, the recently settled political rights endangered, and the horrors of civil war renewed.[1]

Sulla and his soldiers.

Sulla could not be blind to the difficulty of his situation, and it is possible that the consciousness of it induced him to exhibit not a little moderation in his messages to the senate. Yet on the other hand he had no doubt full confidence in himself and in his cause. He was returning from a glorious expedition, at the head of a victorious army, inured to war, loaded with booty, and thoroughly attached to his person. It is related that his soldiers offered to contribute to the expenses of the expedition from the private hoards which they had collected and were now bringing home. Contributions of this kind would no doubt have been a sufficient guarantee for the fidelity of the men, who could only hope to recover their loans with interest by the final victory of their leader. But Sulla wisely declined making himself the debtor of his soldiers, and thus limiting his freedom of action. Instead of this he made them swear a solemn oath that they would remain faithful to him and abstain from devastations in Italy. This last promise was calculated to gain public opinion to his side and to reassure the people of Italy. He wished them to feel that he was not coming with hostile intentions against them, but that his arms were directed only against his personal enemies.

First appearance of Cneius Pompeius as a politician.

Whilst thus intent, with sagacious moderation, on calming the apprehensions of the Italians, and so preventing them from throwing their weight into the scale of his opponents, Sulla was hoping to secure the active help of his own friends and of all who were halting between the two contending parties. His camp swarmed with fugitives, who of course had left in their respective homes clients and friends apparently submissive to the existing government, but ready at the first turn of fortune to pass over to his side. Even the senate in Rome itself did not consist exclusively of blind democratic partisans. Some

[1] Appian, *Bell. Civ.* 1, 82: *εὖ τὸν Σύλλαν εἰδότες (οἱ πολλοὶ) . . . λύμας καὶ θανάτους καὶ ἀναίρεσιν ὅλως ἀθρόαν ἐπινοοῦντα.*

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slight indications of a bashful opposition to Cinna and Carbo had already been manifested.[1] Later on the democratic ranks were thinned by desertion. Men like Cethegus,[2] Lucretius Ofella, and others, appeared in Sulla's camp.[3] The most prominent of these men was Cneius Pompeius, the son of Pompeius Strabo, now in his twenty-fourth year. The father, as we have seen, had been suspected of insincerity in his attachment to the popular cause during the civil struggles of the year 87 B.C. It was surmised that he cared less for the victory of either party than for his own personal interests. The son, grown up in such a school of double-dealing, and inheriting the paternal policy, was naturally tempted by the uncertainty of his position not to make his own elevation depend on the dominion and final victory of that party with which the accident of his birth and the course of events had united him, but which could neither feel nor inspire unlimited confidence. As a youthful soldier he had in his father's army given proof of great decision,[4] and after his father's death he had become the object of fierce attacks. An action had been brought against him as the heir to extensive possessions in Picenum, which his scheming and unscrupulous father had acquired during the Social war, when he held the command in that district. He had successfully escaped the danger. The case was decided in his favour; but it was not likely that he could with unreserved confidence and goodwill remain a member of a party which gave him so little guarantee of personal security. He therefore formed the bold resolution of throwing the whole weight of his personal ability and his influence into the scale of Sulla as soon as the latter appeared on Italian soil.[5] This first step in political

[1] Above, p. 339. [2] Appian, *Bell. Civ.* 1, 80, extr.

[3] Among these the tribunes of the people of 85 B.C., the colleagues of Sextus Lucilius who was hurled from the Tarpeian rock by P. Popillius Lænas, tribune of the following year. Velleius, ii. 24, 2.

[4] Plutarch, *Pomp.* 3.

[5] Velleius, ii. 29, 1: Sub adventum in Italiam L. Sullæ Cn. Pompeius . . . viginti tres annos natus . . . privatis ut opibus ita consiliis magna

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life, taken by a youth of twenty-three, showed that he was qualified to play a prominent part in the troubled events of his time. His future career corresponded with the first indications of his genius. He succumbed finally in the gigantic struggle for dominion, but he succumbed to a man with whom to have wrestled was in itself a proof of greatness.

Adhesion of Q. Metellus to Sulla.

Hardly less important to Sulla than the adhesion of Pompeius was that of Q. Metellus Pius. This brave and intelligent man had gained for himself universal approval in the course of the Social war; he had defeated and killed Pompædius Silo, the most eminent of the Italian generals, and, whilst still holding the field against the insurgents in Apulia, had been hastily recalled by the consul Octavius to defend Rome against Marius and Cinna. When he came to the conviction that here everything was lost, and when his moderate counsels for a compromise were rejected by Octavius, he had left Rome and Italy and had tried to continue the struggle against the democratic party in Africa.[1] Expelled from Africa by the prætor, C. Fabius, he had gone to Liguria, and upon hearing of Sulla's preparations for war, he declared for him and joined him. The high estimation which he enjoyed with the best class of citizens was of great advantage to the cause which he embraced, and his example was followed by many others, even it is said, of the opposite party.[2]

M. Licinius Crassus joins Sulla.

A third welcome partisan was M. Licinius Crassus, a younger son of Publius Crassus, consul of 97 B.C., who had perished in the Marian massacre with his eldest son.[3] He had narrowly escaped his pursuers and succeeded in reaching Spain, where he evaded the vigilance of his

ausus magnificeque conata exsecutus ad vindicandam restituendamque dignitatem patriæ firmum ex agro Piceno, qui totus paternis eius clientelis refertus erat, contraxit exercitum.

[1] Above, p. 327.

[2] Dio Cass. *Frgm.* 106, 1: ὁ Μέτελλος ἐς τὸν Σύλλαν ἦκε καὶ πλεῖστα αὐτῷ συνήρατο· πρὸς γάρ τοι τὴν δόξαν τῆς τε δικαιοσύνης αὐτοῦ καὶ τῆς εὐσεβείας οὐκ ὀλίγον καὶ τῶν τἀναντία τῷ Σύλλᾳ πραττόντων, νομίσαντες αὐτὸν οὐκ ἀκρίτως οἱ συνεῖναι ἀλλὰ τά τε δικαιότερα καὶ τὰ τῇ πατρίδι συμφερότερα ὄντως αἱρεῖσθαι, προσεχώρησάν σφισιν.

[3] Above, p. 331.

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enemies in a hiding-place for several months.[1] After the murder of Cinna he had again come forward, had collected troops and gone to Africa in order to continue the struggle with the Marian party in conjunction with Metellus. But the two had not been able to agree, and Crassus joined Sulla immediately after his landing in Italy to offer him his most welcome and effective service.

Relative strength of the opposing parties.

Thus Sulla was not without the prospect of valuable assistance. But his real superiority over his opponents lay in the circumstance that he was lord and sole master of his actions, whilst they suffered from the weakness and indecision inseparable from divided counsels and a multiplicity of heads. There was among them but one man of eminent military abilities who could possibly have coped with Sulla. This was the brave and honest Sertorius. But unfortunately for the democratic party Sertorius was in an inferior position, and was moreover sent to Spain soon after the commencement of hostilities. The two consuls, Norbanus and Scipio, were utterly incompetent to conduct military operations, and none of the inferior officers could supply their place. The proconsul Carbo alone, who had been consul the year before and was again consul in the year following, was not to be despised as an opponent of Sulla, because he evinced at any rate indomitable energy and perseverance. It is to be ascribed chiefly to his restless activity that the war was protracted for nearly two years, and that it assumed almost as large proportions as the war with the Italian allies.

Proclamation of Sulla at Brundusium.

In the spring of the year 83 B.C. Sulla had crossed the Ionian Sea, unopposed by any hostile fleet, and had landed in Brundusium with his five legions and Greco-Macedonian auxiliaries, in all about forty thousand men. Brundusium he found without a garrison. Perhaps Sulla's opponents thought the town would be defended by the inhabitants. But these on the contrary received Sulla with open arms, and as a reward obtained from him the confirmation of all their local liberties. Sulla now

[1] Plutarch, *Crass.* 4, 5.

issued a proclamation in which he guaranteed to the Italians all the rights granted them by the popular party, of which that of voting in the old thirty-five tribes was the most important. Thus he disarmed with one concession the hostility of thousands, upon which his opponents had reckoned, and appeared in Italy not as their oppressor but as their friend.[1] In consequence of this he met with no opposition on his advance from the eastern side of the peninsula to the western. He could cross the mountain region unmolested, and enter Campania where the two consuls awaited him.

Victory of Sulla over the consul Norbanus.

Before the conflict began Sulla once more tried to open negotiations. He probably took as a basis the resolution of the senate, which at the last moment had made the ineffectual attempt to induce both parties to lay down their arms.[2] It is hard to believe that Sulla in making this proposal had any object in view but that of producing hesitation and division among his opponents. This indeed was manifest to Norbanus, for he cut short all further parley by ill-treating Sulla's messengers.[3] Sulla now advanced and gave battle to Norbanus between Mount Tifata and Capua. He gained a decisive victory, and compelled his opponent, with a loss of six thousand men, to retire within the walls of Capua.[4]

Ineffectual armistice.

Meanwhile Scipio, the other consul, had marched into Campania, but he arrived too late to avert the disaster

[1] Velleius, ii. 25, 1: Putares Sullam venisse in Italiam non belli vindicem, sed pacis auctorem; tanta cum quiete exercitum per Calabriam Apuliamque cum singulari cura frugum, agrorum, urbium, hominum perduxit in Campaniam, tentavitque iustis legibus et æquis conditionibus bellum componere.

[2] Liv. 84: Senatus consultum per factionem Carbonis et Marianarum partium factum est, ut omnes ubique exercitus dimitterentur.

[3] Liv. 85: Sulla missis legatis qui de pace agerent et ab consule C. Norbano violatis eundem Norbanum prælio vicit.

[4] According to Sulla's report his own loss amounted to only seventy killed and a considerable number of wounded. Compare above, p. 289. That the battle was not fought near Canusium in Apulia, as would appear from the reading in Appian (*Bell. Civ.* i. 84), but between Tifata and Capua, must be inferred from Velleius (ii. 25), who mentions the votive inscriptions which Sulla put up in the temple of Diana, endowed by him, and which were still to be read at the time of the historian. Comp. moreover p. 349, n. 1.

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which befell his colleague. Again Sulla tried the effect of negotiations, and he found Scipio more ready to meet him than Norbanus, though the prospect of a peaceful arrangement had been greatly diminished by the actual outbreak of hostilities. Scipio was persuaded to agree to an armistice, and to the delivering up of hostages on both sides. During the armistice the negotiations were to be carried on, and Sertorius was sent to the consul Norbanus at Capua to induce him to co-operate in the work of peace. Unfortunately, Sertorius was tempted on this errand to break the armistice by occupying the town of Suessa, probably with the intention of thwarting Scipio in his proposed concessions. Upon Sulla's remonstrances the negotiations were now broken off, the armistice declared at an end, and the hostages of both parties sent back. Sulla now advanced close to the camp of Scipio near Teanum, and the result was that the soldiers of the latter,[1] who had fraternised with the Sullanians during the armistice, deserted their general and went over in a mass to Sulla, leaving Scipio and the higher officers alone in the camp, so that all of them could be made prisoners. Sulla, whether from feelings of generosity or from motives of policy, dismissed them unharmed.[2] Perhaps he preferred to see the incapable Scipio at the head of the hostile forces rather than keep him as a prisoner of war. Yet it is hard to believe that he thought so meanly of Sertorius, whom he allowed to depart with the rest.[3] So perhaps we shall be able to credit Sulla with generous motives, especially as it was one of his characteristics, that he was often mild and generous before the final victory, in proportion as he was ruthless and unsparing after it.[4]

Renewed preparations for war on both sides.

So far, Sulla had met with unvaried and brilliant success. Yet the end of the contest was still far off, for by this time the war party had gained the upper hand in

[1] Appian (*Bell. Civ.* i. 85) says that they were discouraged and longed for peace.

[2] Diodor. xxxviii. 16.

[3] Velleius, ii. 25, 3.

[4] Velleius, ii. 25, 3: Adeo enim Sulla dissimilis fuit bellator ac victor, ut dum vincit acie iustissimo lenior, post victoriam audito fuerit crudelior.

Rome and were decided to oppose with all the means in their power a man whose offers of reconciliation were only snares to entrap an unwary adversary.[1] Preparations for war were carried on vigorously. As the public treasury was empty, the gold and silver ornaments of the temples were taken for present wants. New troops arrived from Cisalpine Gaul, and even from Spain, into which province Sertorius had been sent. The army was raised to double its previous strength.[2] Sulla and his party showed equal zeal. All Italy was arming; the Social war seemed kindled again, and although Sulla had declared that all the claims of the new citizens should be granted, he found that many of the Italians, especially the Samnites, Lucanians, and Etruscans, ranged themselves against him. In truth they could hardly remain neutral in the all-absorbing conflict, and if they took a part they were bound to join that party which had from the first embraced their cause.

Determined hostility of Papirius Carbo to Sulla.

The most stirring among the democratic leaders was beyond all comparison Papirius Carbo, who had been consul with Cinna in the years 85-84 B.C., and after the murder of his colleague had obstinately refused to hold the comitia for the election of a successor, so that he was sole consul for the rest of the year.[3] It was he who had chiefly stood in the way of a compromise with Sulla.[4] In the summer of the year 83 B.C., whilst the fighting in Campania was going on between Sulla and the two consuls, he was in Rome as proconsul, and conducted the policy of the democratic party with great decision. He was more violent than even Cinna,[5] and caused all adherents of Sulla who had not yet been outlawed to be

[1] Carbo used to say of Sulla, that in him he had to encounter at the same time a lion and a fox, and that the latter was the more dangerous of the two. Plutarch, *Sulla*, 28.

[2] Appian, *Bell. Civ.* i. 86.

[3] Above, p. 341.

[4] Livius, 84: Per Carbonem factionemque eius, cui bellum videbatur utilius, ne conveniretur, effectum est.

[5] Plutarch, *Pomp.* 5: τοῦ Κίννα τελευτήσαντος ἐδέξατο μὲν τὰ πράγματα καὶ συνεῖχε Κάρβων ἐμπληκτικώτερος ἐκείνου τύραννος.

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declared enemies of their country. He was thus decidedly more than any other man responsible for the uncompromising attitude of the democratic party and the ferocious character which the civil war now began to assume.

Burning of the temple of Jupiter Capitolinus at Rome.

In the month of July of this year 83 B.C., the city of Rome was visited by a calamity which at any time would have been felt as a terrible visitation of divine anger, but which was now interpreted as an omen portending the speedy downfall of the republic. The magnificent temple of Jupiter on the Capitol, a structure in which the majesty of Rome seemed symbolized and which was almost coeval with the republic, was consumed by fire, with all the monuments of antiquity, trophies, and sacred offerings. How the fire originated no one could tell.[1] But there were not wanting baseless conjectures of various kinds, each party accusing the other of having caused the destruction of the national sanctuary, though it was impossible to discover how either could have been benefited by so senseless a crime.

Consulship of the younger Marius.

The consuls of the year 82 B.C. were Papirius Carbo and the son of Marius, now only twenty-six years old.[2] It was evidently expected that the popular name of Marius would once more inspire the masses with enthusiasm and attract soldiers to the popular cause. But it was not the name alone that recommended the young man. He possessed in reality some of the mettle of his father—his martial spirit, his courage, and above all his unyielding perseverance; so that even a Sulla found in him no unworthy antagonist.[3]

[1] The date of the fire was, according to Plutarch (*Sulla*, 27), July 6. Comp. Cicero, *Verr.* iv. 31; *Catil.* iii. 4. Tacitus (*Histor.* iii. 72) accounts for the origin of the fire as *fraus privata*. The most probable explanation is that stated by Cassiodorus (*Chron. ad* 670), who speaks of 'custodum negligentia.'

[2] All the authorities call him the son of the great C. Marius. Appian is the only one (*Bell. Civ.* 1, 87) who erroneously calls him his nephew. About his age the statements differ. According to Appian (*Bell. Civ.*) and Velleius (ii. 26, 1), he was twenty-six years old; whilst in Livy's *Epitome* he is spoken of as a youth of twenty. See above, p. 334, n. 3.

[3] Velleius (ii. 26, 1) calls him vir animi magis quam ingeni paterni, multa fortiter molitus neque usquam inferior nomine consulis, and again (ii. 27, 5):

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Resumption of hostilities. Battle of Sacriportus.

The defeat of Norbanus and the desertion of the army of Scipio weakened the democratic leaders so effectively that they were no longer in a condition to keep the open field against Sulla in Campania. They could only retain possession of the fortresses, such as Nola, Capua, and Neapolis, where they left garrisons. The rest of their troops they moved northward nearer to Rome. When, after an unusually cold and protracted winter, military operations were resumed, Sulla penetrated into Latium, took the town of Setia, and found himself here opposed by the younger Marius whose task was to cover Rome. Carbo, the other consul, had the fortress of Ariminum in the north as head-quarters and basis of his operations, from which point he kept open his communications with Etruria and Cisalpine Gaul. These northern parts of Italy had even the year before been the scene of hostilities. Here Cn. Pompeius had collected the volunteers with whom he offered to espouse the cause of Sulla, and hither Q. Metellus Pius had been sent to take the supreme command. Yet the result of the northern campaign was only of secondary importance. The decisive blows had been struck in Campania, and now again, in the second year of the war, the first decisive encounter took place in the south of Rome, though this time at a shorter distance from it. Marius with all his forces took up a position and offered battle to Sulla at a place which is called by the historians Sacriportus, situated between Signia and Præneste.[1] During the fight five cohorts of foot and two squadrons of cavalry deserted the side of Marius and ranged themselves under Sulla. The result was a total defeat of the Marians, who rushed in wild flight from the field to find safety within the walls of Præneste. But as the battle was fought in the immediate vicinity of that town, the pursuers reached it almost at the same time with the fugi-

hodieque tanta patris magnitudine non obscuratur eius memoria. Comp. Diodor. xxxviii. 16: ὁ δὲ Μάριος μάχῃ τῇ πρὸς Σύλλαν γενναίως ἀγωνισάμενος ὅμως ἡττηθεὶς κατέφυγεν ἐς Πραίνεστον.

[1] Livius, 87. Velleius, ii. 26. Appian translates it by ἱερὸς λιμήν.

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tives, and would have rushed in with them, if the citizens had not closed the gates. Thus great numbers of the defeated army were slain or captured under the very walls. Marius himself escaped with difficulty, being at the last moment hauled up with a rope. Sulla ordered all the prisoners who were Samnites to be put to death without discrimination.[1]

Defence of Præneste by the Marians.

This great battle, which compelled Marius to shut himself up in Præneste, gave a peculiar character to the remaining operations of the war. The impregnable fortress of Præneste became the centre and principal object of attack and defence. The Marians made in succession four attempts[2] to relieve this town whilst Sulla's chief attention was occupied with the task of meeting the armies which were despatched by his opponents from the north as well as the south.

Murders of senators in the senate house.

After the battle of Sacriportus the Marians could no longer expect to hold Rome. They resolved to give it up; but before doing so they levelled a parting blow at their political opponents which was a mere act of sanguinary spite without the least practical object, and on that account more deserving our abhorrence than the cruelty of the elder Marius. On the order given by the consul Marius,[3] as it is stated, the prætor Brutus Damasippus called the senate together and caused several[4] of the most eminent members to be murdered in the very hall of meeting. Among the victims of this atrocious act were Lucius Antistius, whose crime consisted in his having given his daughter in marriage to Pompeius; C. Papirius Carbo, a

[1] According to Sulla's report he lost in this battle only twenty-three men; his enemies twenty thousand. Comp. above, p. 349, n. 4.

[2] In this calculation we have omitted to count the expedition which Perpenna, the Marian prætor of Sicily, made, or perhaps only intended to make, for the relief of Præneste, according to Diodor. xxxviii. 14.

[3] Appian, *Bell. Civ.* i. 88 Livius, 86. If we bear in mind that Marius had great difficulty in escaping to Præneste after the battle of Sacriportus, and that he was closely blockaded in that town, we shall find it difficult to believe this statement.

[4] Only four are mentioned by name. The expressions used in Livy's *Epitome* (86) would lead us to suppose that many more were killed. The words are: L. Damasippus omnem quæ in urbe erat nobilitatem trucidavit. Compare above, p. 334, n. 3.

cousin of the consul who bore the same name; Lucius Domitius, and the venerable pontifex maximus Mucius Scævola. The last two sought in vain to save their lives by flight. Domitius was overtaken by his murderers and cut down at the door of the curia; Mucius Scævola on the road to the adjoining sanctuary of Vesta.[1]

Entry of Sulla into Rome.

Having perpetrated this last act of atrocity, the Marians fled from Rome and left Sulla unopposed when he advanced to seize the gates. The wretched inhabitants of the capital, accustomed to the ruthless barbarity of the victorious party, were looking forward with trembling to new scenes of plundering and slaughter. But Sulla proved a generous and forgiving conqueror. He called the people together, lamented the need of the severity which the troubles of the time imposed on him, promised to restore order as soon as he could, and, to remove all apprehension on the part of the people, commanded his troops not to enter the town at all, but to encamp on the Field of Mars.[2] The tables were now turned. Sulla in possession of the capital was no longer a rebel, but the legitimate ruler. The machine of government was in his hands, and he was at liberty to dictate decrees of the senate and resolutions of the people. It was his turn now to outlaw his opponents, to confiscate their property, and to brand them as enemies of their country. Having done this, and having entrusted the siege of Præneste where Marius was blockaded to Lucretius Ofella, he left Rome to march into Etruria against Papirius Carbo.

Desertions from the Marians to Sulla.

Carbo, as we have seen above, had been unremittingly at work in his preparations for war, and had succeeded in bringing together a respectable army, with which he had engaged Metellus and Pompeius in several battles with varying success. He had just repulsed Metellus and was blockading him, when the news of the total defeat of

[1] Cicero, *De Nat. Deor.* iii. 32, 80. Livius, 86. Appian, *Bell. Civ.* 1, 88. Diodor. xxxviii. 17.

[2] Appian, *Bell. Civ.* 1, 86: Σύλλας τὸν δῆμον ἐς ἐκκλησίαν συναγαγὼν τήν τε ἀνάγκην τῶν παρόντων ὠλοφύρετο καὶ θαρρεῖν προσέταξεν ὡς αὐτίκα τῶνδε παυσομένων καὶ τῆς πολιτείας ἐς τὸ δέον ἐλευσομένης.

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Marius at Sacriportus induced him to march back to Ariminum. On this retreat he was followed by Metellus and Pompeius, and sustained very serious losses, some of which were caused by the untrustworthiness of his troops. In the midst of one engagement five of his cohorts went over to the Sullanians, just as had happened to his colleague Marius in the battle of Sacriportus.[1] It is surprising that in this war between Sulla and the younger Marius, the tendency in the disposition of the soldiers was the very opposite of that which had actuated them in the contest between the two parties in the year 88 B.C., when Sulla was in the East and Cinna was contending with the consul Octavius. At that time the troops deserted in great numbers from the optimates to the Marians. Now it was just the reverse. It may safely be inferred from this, that the Roman soldiers had almost ceased at this time to be first of all citizens, and to fight for a principle or a cause. The long-continued service had almost made them professional soldiers, and they had peculiar interests of their own apart from those of the general body of citizens, interests which connected them more with their leaders than with the republic. At a former time the name of the old Marius had been the powerful magnet which had attracted the soldiers away from the standards to which they owed their allegiance; now it was Sulla, whose genius held out to the soldiers the prospect of victory, of present booty and future rewards. Thus it was that the soldiers who were Romans could no longer be relied upon to fight for the democratic cause. The Italians alone, and especially the obstinate Samnites, fought for a principle that was dear to them, and on their bravery and resolution the leaders of the democratic party chiefly depended.

First meeting of Pompeius and Sulla.

In spite of all reverses, and of the faithlessness of his troops, Carbo's power, far from being broken, enabled him to leave Ariminum and invade Etruria. Sulla marched northwards to oppose him. The two armies met

[1] Appian, *Bell. Civ.* 1, 88.

at Clusium, and a battle was fought which lasted a whole day, remaining finally undecided. Perhaps it was on this occasion that Sulla for the first time met Pompeius. We have seen that the latter had declared for Sulla and had collected troops for him. When he first presented himself before the great soldier, he was greeted as if he were an equal and addressed as Imperator, a piece of uncalled-for flattery which no doubt encouraged in the vain young man that overweening opinion of himself which made him restless throughout life in his aspirations after extraordinary honours and distinctions, for which he craved more than for the reality of power.

Attempt of Carbo to relieve Præneste.

The great battle fought at Clusium, which is represented as undecided, must on the whole have improved Carbo's position; for he was now in a position to attempt the relief of Præneste. He sent one of his lieutenants, the able Carrinas, southwards on the Flaminian road.[1] At Spoletium this force was met by Pompeius and Crassus. A battle was fought, which resulted in the defeat of Carrinas, with the loss of three thousand men, and in his being shut up in Spoletium. An army sent by Carbo to extricate him was drawn into an ambush by Sulla and beaten. Yet Carrinas eventually succeeded in escaping from his perilous situation.[2]

Defeat of Marcius by Pompeius.

After this failure Carbo again despatched no less than eight legions under the command of Marcius from Ariminum to march southwards by the Flaminian road for the relief of Marius in Præneste. This army was attacked by Pompeius on the march and driven back on a hill. Whether here the general abandoned his army or the army deserted the general cannot be decided. The latter

[1] That the march of Carrinas had for its object the relief of Præneste is at least probable; that in case of success it would have led to it, is certain.

[2] The escape of Carrinas was, according to Appian (*Bell. Civ.* i. 90), effected under cover of a rainy night. We know from the general character of the one-sided reports, that when the failure of an enterprise is attributed to the elements, this is generally an excuse for some blunder or miscarriage. Perhaps the alleged victory of Sulla over the relieving army belongs to the region of fiction or misrepresentation, in spite of the boast that two thousand enemies were slain.

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alternative is the more probable, and it seems that here another instance occurred of the increasing insubordination and faithlessness of the Roman soldiers.[1] Without waiting for orders they turned and marched towards Ariminum, and here Marius could in the end marshal only seven cohorts in military order; the rest had dispersed to their respective homes.

Desperate position of Carbo. Desertion of Albinovanus.

While Carbo was thus confronting Sulla in Etruria and Pompeius in Umbria, Metellus had penetrated by sea into Cisalpine Gaul, and was preparing to attack Carbo in the rear. The latter was now in a desperate situation. He had only seven legions left, and he must have been convinced by recent events that very little reliance could be placed on them. Yet he persevered in his stubborn resistance. Marching northward against Metellus, he fell upon him unawares at Faventia. A murderous battle ensued, in which he lost ten thousand men killed. Six thousand went over to the enemy; the remainder of his army dispersed, with the exception of one thousand men, whom he succeeded in bringing back to Arretium in Etruria. Even a legion of Lucanians, who no doubt were among the most trustworthy of his troops, abandoned their leader Albinovanus and passed over to Metellus. Albinovanus, who had been one of the most zealous partisans of Marius and a companion of his flight to Africa, now gave up the popular cause for lost, and, thinking it high time to look out for his own safety, offered his submission to Sulla. As the latter before accepting his services demanded a pledge of his sincerity, Albinovanus invited a number of his own superior officers to a banquet in his tent and caused them to be treacherously murdered. C. Norbanus was to have been among them. He too was invited, but he had probably suspicions or a warning, and had not come to the fatal place. He made

[1] Appian, *Bell. Civ.* 1, 90: ὁ δὲ στρατὸς . . . . ἐστασίασε χαλεπῶς καὶ τέλος μὲν ὑπὸ τοῖς σημείοις ὅλον ἄνευ παραγγέλματος ἐπανῆλθεν ἐς Ἀρίμινον, οἱ λοιποὶ δ' ἐς τὰς πατρίδας κατὰ μέρη διελύθησαν, ὡς ἑπτὰ σπείρας τῷ στρατηγῷ μόνας παραμεῖναι.

his escape from Italy and reached the island of Rhodes, where he remained until Sulla after his final victory demanded his extradition. Whilst the Rhodian authorities were deliberating whether they should comply with this request, Norbanus killed himself in the open market-place. Albinovanus, having sufficiently accredited himself with Sulla by his deed of blood, passed over as a trusty supporter into the Sullanian camp.

Victories of the Sullanians. Third attempt of Carbo to relieve Præneste.

Thus we observe the beginning of dissolution in the ranks of the democratic party. All Italian Gaul as far as the foot of the Alps now joined Sulla. Ariminum, the basis of Carbo's operations, was lost. A victory of Lucullus at Fidentia near Placentia completed the total change in the prospects of the war. In Umbria also the Sullanians gained the advantage, M. Crassus conquering the town of Tuder near the Tiber, between Spoletium and Clusium. Etruria, however, seems for the most part to have still remained in Carbo's possession. It was here that the democratic party counted the greatest number of adherents. Carbo was actually able to make from Clusium a third attempt to turn the fortune of war in his favour by the relief of Præneste. But it seems that this attempt was made with insufficient forces. Junius Brutus Damasippus, who was charged with it, had only two legions at his disposal, and, finding himself unable to force a pass which Sulla had occupied, was obliged to return.

Flight of Carbo to Africa. Annihilation of his army.

Now at length Carbo lost hope. Though he still had a force of thirty thousand men united at Clusium, without counting the two legions of Damasippus and some detachments under Carrinas and Marcius, and although the Samnites, in spite of all reverses and sacrifices, remained faithful to his cause, he left Italy and fled to Africa.[1] His army after his departure was attacked by Pompeius[2] at Clusium and utterly annihilated. It is not

[1] Sallust, *Hist.* 1, 28: Carbo turpi formidine Italiam atque exercitus deseruit.

[2] Velleius (ii. 28, 1) mentions not Pompeius but 'duo Servilii' as conquerors at Clusium.

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likely that the men fought desperately after they were deserted by their leader, especially as this desertion was no doubt due chiefly to their fickleness. Yet we are told that twenty thousand of them were killed, which implies either an obstinate battle or a huge exaggeration. The remainder of Carbo's army was dispersed, and thus the civil war was brought to an end in the northern districts, leaving only a few fortresses to be reduced by the conquerors.

Scheme of the Samnites to surprise the Roman capital.

Nevertheless, although the leaders of the democratic party had either fled from Italy despairing of success, or were blockaded without hope of relief like Marius at Prænestе, and although their armies were defeated, dispersed, or annihilated, yet the men whose claims to share the rights of Roman citizens had been the first cause of the war still persevered in the contest. A formidable army of Samnites and Lucanians, under the Lucanian Lamponius, the Campanian Gutta, and the Samnite Pontius Telesinus, a kinsman in name and temper, if not in blood, of the ancient Pontius Telesinus of Caudium, now advanced, when all seemed lost, from the south to the relief of Prænestе.[1] In this town distress had reached the utmost point. Marius had made an attempt to break out from the town, but had been driven back by Ofella. Now, after the destruction of the army of Carbo in Etruria, Sulla was himself enabled to return and to resume the siege of Prænestе with more vigour. It was high time. The Samnite army, amounting, as is

[1] Appian (*Bell. Civ.* 1, 90) gives an earlier date for this expedition, placing it before the march of Junius Brutus Damasippus, which, according to our reckoning, was the third attempt to relieve Prænestе. We might take his statement and assume that the great army of Italians, amounting, according to Appian, to 70,000 men, was destined to act in conjunction with Damasippus, who had only two legions, and to move simultaneously upon Prænestе from two opposite sides. In this case it would no longer seem strange that the force of Damasippus should be so small for the perilous enterprise. But if this was in reality the plan of the allies, we must assume that after the failure of Damasippus to advance upon Prænestе the army of the Italians remained for some time inactive, or was somehow kept in check. At any rate it did not actually begin its operations until Carbo had given up the game, and his army had been annihilated near Clusium.

alleged,[1] to seventy thousand men, and swollen by the remnants of the army of Carbo under Carrinas, Marcius, and Damasippus, made the attempt to force a pass held by the Sullanians and commanding their position before Præneste.[2] This attempt failed; the pass was obstinately defended and every attack was repulsed. This failure urged the enemies to a desperate resolution. As Hannibal had tried to relieve the closely pressed Capua by a direct attack of Rome, they thought to draw off the besieging army from Præneste by threatening the capital.[3] It was not in a condition of defence, as no danger was apprehended. An unexpected rush might therefore deliver it into the hands of the Samnites, who, as Pontius said, were longing to cut down the thicket where the wolves who had long been devastating Italy had their lair.[4] The plan was daring, and not so wild as it has been represented. If it had succeeded, the democratic party would have regained life and vigour, and Rome would in all probability have received a democratic and federal constitution with the concurrence of the victorious Samnites, instead of that central and aristocratic restoration which was the fruit of Sulla's victory.

Failure of the scheme. Battle of the Colline Gate. Desperate struggle, and defeat of the Samnites.

But the plan did not succeed. On the report of the march of the enemies and of the imminent danger in which Rome was placed, Sulla too left his position in front of Præneste and followed them in hot haste. During the night the enemies lay encamped on the Alban hill, and on the following morning they moved against Rome. The garrison, weak as it was, marched out to meet them, but was easily overthrown and driven back. A detachment of cavalry which Sulla had sent in advance of his main body to delay the march of the Samnites was also repulsed. But towards noon (it happened to be the 1st

[1] Appian, *Bell. Civ.* 1, 90.

[2] We are not informed what pass this was; nor is any natural pass known in the neighbourhood.

[3] Plutarch, *Sulla*, 29.

[4] Velleius, ii. 27, 2: Nunquam defuturos raptores Italiæ libertatis, nisi silva in quam refugere solent, essot excisa.

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of November of the year 82 B.C.), Sulla's legions came up, and although the men after their severe march were much exhausted and the lower officers remonstrated, Sulla ordered the attack the same evening.[1] Scarcely granting his troops a short repose and a scanty refreshment, he threw himself impetuously with his left wing upon the enemies, whilst the right wing was led on by the able officer M. Crassus. He saw that everything was at stake, and animating his men with his words, and showing them by his own example how to fight, he rushed into the thick of the combat, and on one occasion barely escaped death by the presence of mind of his groom, who whipped his horse into a gallop and thus carried his master beyond the reach of the lances which were aimed at him.[2] But in spite of all the bravery of Sulla and his men, the battle was taking an unfavourable turn. The enemies were the sons of those stubborn mountaineers who had wrestled for so many years with Rome for the dominion of Italy. On this day they were again animated by the ancient hate against their oppressors, and they knew full well what would be the fate in store for them, if they fell into Sulla's hands. They had had a warning in the cold-blooded massacre of their captured countrymen after the battle of Sacriportus. They fought therefore with the courage of despair, and they succeeded in pushing back to the very walls of the city that wing of the Roman army which was under the command of Sulla. The citizens quickly closed the gates, and thus compelled the fugitives to turn upon their pursuers and to renew the combat. In this manner the fight was continued till the evening, and Sulla's chances were very dismal; he himself had no hope of victory left when darkness at length set in and compelled the combatants to pause.[3]

[1] Appian, *Bell. Civ.* 1, 93: περὶ δείλην ἑσπέραν.

[2] Plutarch, *Sulla*, 29.

[3] Plutarch, *Sulla*, 30. Velleius, ii. 27, 3: Post primam demum horam noctis et Romana respiravit acies et hostium cessit. According to Appian, *Bell. Civ.*, Sulla continued the fight all through the night. But this does not harmonize with the course of the battle as represented by Plutarch and Velleius.

Already messengers had hastened from the battle-field to Prænestе and had reported to the blockading army which Sulla had left there, that he had suffered a defeat. But Ofella was not disconcerted, and remained firmly in his position. Probably he gave no credence to the fugitives, believing that his duty required him to wait for an order from his superior. He had calculated right. It turned out at last that Crassus on the right wing of Sulla's army had been completely victorious, had repulsed the enemies and pursued them as far as Antemnæ. In the course of the night Sulla was informed of this success, and when the morning came he too pressed forward and found that in the meanwhile the Samnites who had been opposed to him had marched off. They were now in full retreat; but they found the Tiber before them, and were cooped up without the hope of escape. More than eight thousand were made prisoners.[1] A body of three thousand had, in the hope of obtaining their pardon, passed over to the conquerors during the progress of the battle.

Decisiveness of the victory won by M. Crassus.

The battle before the Colline Gate was the last, the most obstinately contested, and the most bloody[2] that Sulla fought. It was also the only one in which, at least for a time, he was compelled to turn his back on the enemy. The final victory was due not to him but to his lieutenant M. Crassus. As far as we can judge from the scanty materials left to us,[3] Sulla showed himself on this occasion less as a general than as a soldier. He had

[1] Appian, *Bell. Civ.* 1, 93. According to Orosius, v. 20, the number was eleven thousand.

[2] According to Appian, *Bell. Civ.* i. 93, each side lost 50,000 men killed and wounded.

[3] The battle of the Colline Gate was one of the few great and decisive battles which are recorded in the history of Rome; it was fought in the immediate vicinity of Rome on ground with which every Roman was perfectly familiar; it was no doubt fully recorded in Sulla's own memoirs, and in the annals of contemporary writers. In spite of all this, we know absolutely nothing of the position of the two armies and of the progress of the fight except what we have tried to extract in the above from our sources, and we feel that this cannot be vouched for with any degree of confidence, as the two principal authorities we have to rely on differ materially, and cannot be satisfactorily made to harmonize.

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rushed madly into the battle without a premeditated plan, and during its progress he had lost the direction and even the knowledge of what was going on.[1] The news of his victory came to him as a surprise, and this final and crowning triumph was a confirmation of the saying in which he summed up his experience, that he always best succeeded in those undertakings on which he had ventured without a long and careful calculation of chances, acting boldly under the pressure of the moment, and relying on fortune, the goddess who was the object of his especial reverence.

Fall of Præneste.

By the defeat of the Marian army under the walls of Rome the fate of Præneste was also decided. This town had long been reduced to the last stage of exhaustion. When therefore the news spread that the army of the Italians was annihilated, and when in proof of it the heads of the fallen leaders were exhibited to the besieged on the walls, they surrendered at discretion. Marius, it is said, made an attempt to escape through one of the numerous subterranean passages which, as was believed, connected the interior parts of Præneste with the open country; and failing in this, died by his own hand.[2] The Roman senators who had taken part in the defence and all the officers of the garrison were immediately executed;[3] the other defenders of the town were divided into three distinct bodies, Romans, Prænestines, and Samnites. The Romans were pardoned by Sulla; the Samnites were all put to death; of the Prænestines Sulla intended to

[1] Perhaps it is no presumption to pronounce this opinion, as according to the advice of his inferior officers, among whom the judicious M. Crassus is especially entitled to respect, the immediate attack ought not to have been risked. And surely the attack of the Samnites on the walls of Rome with a powerful army in their rear had very small chance of success, and would hardly have been ventured upon. It seems therefore that Sulla might safely have delayed the battle, and have fought it under more favourable circumstances.

[2] The story of the death of Marius is variously reported. See Appian, *Bell. Civ.* 1, 94. Plutarch, *Sulla*, 32. Livius, 88. Velleius, ii. 27, 4. Oros. v. 21.

[3] Oros. v. 21: Omnes Marianæ militiæ principes, hoc est legatos, quæstores, præfectos et tribunos, Sulla iussit occidi.

spare a few; but these were too high-minded to separate their fate from that of their fellow-citizens, and preferred to suffer death in common with them.[1] The women and children alone were spared; the town was given up to the Sullanian soldiers for plunder. This was the fate of Præneste, that proud and venerable city of the Latins, a town as old as Rome, for some time Rome's rival, then for a longer period Rome's faithful ally, and so proud of her independent position as a free confederate town, that she preferred it to the offer of the Roman franchise itself. In this dark hour of savage revenge Sulla chose to forget that in the distress of the Hannibalic war a Prænestine cohort had defended the town of Casilinum with a heroism that inspired even the Roman senate with admiration and called forth their warmest acknowledgment.[2] Præneste was relentlessly doomed to ruin as the first fruit of that hecatomb of Italian city communities which Sulla offered up to the centralised Roman state to be created by him.

Result of the battle at the Colline Gate.

But more was decided by the victory at the Colline Gate than the fall of the single town of Præneste. The issue of the whole war, at least on Italian ground, was decided by it. The remnants of the Marian forces which escaped from the butchery on the battle-field could no longer be collected to form an army and to continue the war in the open field. Pontius Telesinus, who was found mortally wounded on the morning after the battle, Carrinas, Marcius, and other leaders who soon afterwards fell into the hands of the victors, were put to death. The same fate was shared by all the captured Samnites. It almost seemed that Sulla intended no less than the annihilation of this Italian race. He caused several thousand of them[3] to be massacred by his soldiers on the Field of Mars.[4] In the temple of Bellona close by, the senate

[1] Plutarch, *Sulla*, 32.

[2] Vol. ii. p. 265.

[3] Orosius (v. 21) states the number as three thousand; Plutarch (*Sulla*, 30) six thousand; Livius (88) eight thousand.

[4] Livius (88) brands this atrocious deed in becoming terms: Resuperata re publica Sulla pulcherrimam victoriam crudelitate, quanta in nullo hominum fuit, inquinavit: octo milia dediticiorum in villa publica trucidavit. The killing

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happened to be assembled. The cries and groans of the wounded and the dying penetrating into the assembly scared the senators from their seats, and made them ask the cause of the uproar. Then, as is reported, Sulla sternly bid them not to lose their composure, for nothing extraordinary was happening; only a few seditious men were suffering death by his orders.[1]

Ruin of the Italian cause.

Only in a few fortified towns the resistance of the defeated party continued even after the fall of Præneste. The small town of Norba in Latium was betrayed to Æmilius Lepidus, but before the Romans could enter the inhabitants had set fire to the houses and died by each other's hands.[2] Neapolis had even before this fallen into the power of the Sullanians, and although we may be sure that the town had been held against the Romans not by the old inhabitants of Greek descent, but by a Samnite garrison, it was cruelly punished by an indiscriminate massacre.[3] In Samnium the town of Æsernia held out for a long time. This town, which was for many years a Latin colony, had in the beginning of the Social war fallen into the hands of the Italians,[4] and after the loss of

of the Samnites was the more unjustifiable because they were not all prisoners of war, but at least in part 'dediticii.' For the three thousand who had passed over to Sulla during the battle and had actually fought for him were killed like the rest, as appears clearly from the testimony of Plutarch (*Sulla*, 36), of Dio Cassius (*Frgm.* 109, 4), of Orosius (v. 21), and of Valerius Maximus (ix. 2, 1), who reckons them as four legions. According to Dio Cassius, Sulla had made them believe he would incorporate them with his own army. Comp. Seneca, *De Benef.* v. 16, 3: Ingratus L. Sulla, qui patriam durioribus remediis quam pericula erant servavit; qui cum a Prænestina arce usque ad Collinam portam per sanguinem humanum incessisset, alia edidit in urbe prælia, alias clades. Legiones duas, quod crudele est, post victoriam, quod nefas, post fidem in angulo congestas trucidavit. Orosius (v. 21) says: Tria milia hominum, qui se per legatos dediderant, contra fas contraque fidem datam inermes securosque interfecit.

[1] Seneca, *De Clementia*, i. 12, 2: Quis unquam tyrannus tam avide humanum sanguinem bibit quam ille qui septem milia civium Romanorum contrucidari iussit? et cum in vicino ad ædem Bellonæ sedens exaudisset conclamationem tot millium sub gladio gementium, exterrito senatu, 'Hoc agamus,' inquit, 'patres conscripti; seditiosi pauculi meo iussu occiduntur.'

[2] Appian, *Bell. Civ.* 1, 94.

[3] Appian, *Bell. Civ.* 1, 89: ἔκτειναν ἅπαντας χωρὶς ὀλίγων διαφυγόντων.

[4] Above, pp. 199, 218.

their capital, Corfinium, and their second capital, Bovianum, had been the seat of the confederate government. It had never been reduced by the Romans, and as its defenders could not hope for mercy, they continued their resistance to the last. The same obstinacy was shown by Nola in Campania, where Papius Mutilus was in command. At last, when this brave soldier saw that all hope was gone, he fled and sought a hiding-place in a dwelling where his wife was lodging at the time. Being refused admittance, he fell upon his own sword on the threshold.[1] He was the last of the more eminent men in the ranks of the Italians, and his miserable death marked the total extinction of the hopes which they had once entertained of political independence.

Siege and fall of Volaterræ.

Though the name of the Etruscans is not often mentioned in the long-continued struggle of the Italians with Rome, and of the democratic party with Sulla, we cannot suppose that they were less zealous in their cause than the Sabellian races, for we are informed that after the complete overthrow of all other resistance, several Etruscan towns still held out for a considerable time.[2] The shattered remnants of the defeated armies flocked from several directions to the town of Volaterræ, which was by nature almost impregnable, and here constituted a force of almost four regular legions. Sulla himself conducted the siege for some time, but was obliged to entrust it to one of his subordinate officers, as he had more important work on hand. The resistance of Volaterræ was long and stubborn. At last, after a siege of two years' duration, the garrison surrendered the place on condition of being allowed to retreat unmolested, and stipulating at the same time that the old liberties of Volaterræ should be respected. This capitulation, we are told, was treacherously violated, at least so far as the garrison was concerned. The Romans waylaid the retiring defenders on their march and cut them down; but the people of Volaterræ retained their territory and the Roman franchise.[3]

[1] Livius, 89. [2] Livius, 89. Strabo, v. 2, 6. [3] Cicero, *Pro Dom.* 36.

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Destruction of the Etruscan people.

Of the other Etruscan towns only Populonia is specially mentioned as notable for its long-continued resistance to Sulla. But it is almost certain that other towns exhibited similar obstinacy, and thus drew on themselves the deadly hatred of the conqueror, who in the end took his revenge by crushing the Etruscan nation, and stamping out every remnant of the spirit of independence and rivalry in Etruria as well as in Samnium.

Reduction of Sardinia and Sicily.

After the reduction of Rome and all Italy under the power of the restored government of the optimates, the reduction of the provinces was only a question of time. Sardinia had already been recovered by L. Marcius Philippus in the course of the war in Italy. Into Sicily Pompeius was sent with a considerable force, and he met with hardly any opposition in taking possession of the island for Sulla.

Capture and execution of Carbo by Pompeius.

In Africa the democratic leaders had tried to gain a footing by combining with Hiarbas, a pretender for the Numidian throne, and expelling with his aid Hiempsal, the legitimate king. This placed the whole of Numidia at their disposal, and held out such prospects of successful resistance, that Carbo, as we have seen,[1] on giving up the contest in Etruria, had crossed to Africa, hoping perhaps to imitate Sulla's example, and to return at some future time from Africa to Italy with a strong force, as Sulla had returned from Asia after the war with Mithridates.[2] From Africa he intended to cross into Sicily, without knowing that this province was already lost to the Marian party. M. Junius Brutus, who was sent in advance to ascertain the state of affairs in Sicily, was surrounded off Lilybæum by the fleet of Pompeius, and put an end to his life to escape falling into captivity. Carbo and a number of his friends were sur-

[1] Above, p. 359.

[2] Carbo, who throughout the war showed an enterprising and undaunted spirit, has been branded as a coward because he left Etruria, though he had still a force of 30,000 men at his disposal. Is it not possible that his motives may be sufficiently explained and his action justified by what we have suggested in the text?

prised on the island of Cossyra, halfway between Carthage and Sicily; he was taken prisoner and brought to Lilybæum before Pompeius.[1] On this occasion Pompeius showed that he was at bottom mean, selfish, and the slave of his ambition. In order to gain the approbation of Sulla he subjected Carbo to the indignity of being examined like a vulgar offender,[2] without remembering that three years earlier this same Carbo had interceded for him, and had thus averted a legal action which threatened to make him a poor man.[3] This harsh treatment was the more surprising, as Pompeius was by nature not inclined to cruelty, and on the present occasion in particular acted on the whole with mildness, allowing even many proscribed men to escape, if he could manage to do so quietly. But Carbo was a person of too much importance. In his treatment Pompeius thought he must show his devotion to Sulla. He therefore delivered him to the executioner, and sent his head to Rome as a proof of his zeal in Sulla's service.[4]

Recall of Pompeius from Africa.

From Sicily Pompeius, now crossed into Africa, and he had no difficulty with his great military force, which amounted to six full legions, in crushing the forces of the Marians and of Hiarbas. The former had already begun to quarrel with one another. The prætor Fabius Hadrianus, who wished in imitation of the example set by Marius to arm the slaves, had been surprised and burnt

[1] Livius, 89.

[2] Plutarch, *Pomp.* 10: ἄνδρα Ῥωμαίων τρὶς ὑπατεύσαντα πρὸ τοῦ βήματος στήσας καθεζόμενος αὐτὸς ἀνέκρινεν ἀχθομένων καὶ βαρυνομένων τῶν παρόντων. Appian, *Bell. Civ.* 1, 96: Κάρβωνα παραστησάμενος αὐτοῦ τοῖς ποσὶ δεσμώτην τρὶς ὕπατον ἐπεδημηγόρευσε καὶ κατέκτανε.

[3] Above, p. 346; and below, n. 4.

[4] Plutarch, *Pomp.* 10. Valer. Max. v. 3, 5: Quo te nunc modo, Magne Pompei, attingam nescio? nam et amplitudinem fortunæ tuæ, quæ quondam omnes terras et omnia maria fulgore suo occupaverat, intueor et ruinam eius maiorem esse quam ut manu mea attentari debeat memini. Sed tamen nobis quoque tacentibus Cn. Carbonis, a quo admodum adulescens de paternis bonis in foro dimicans protectus es, iussu tuo interempti, mors animis hominum non sine aliqua reprehensione obversabitur, quia tam ingrato facto plus L. Sullæ viribus quam propriæ indulsisti verecundiæ. Comp. Appian, *Bell. Civ.* 1, 96. Cicero, *Ad Famil.* ix. 21. According to Livy (*Epit.* 89) Carbo wept like a woman (muliebriter flens mortem tulit). Plutarch (*Pomp.* 10) has another version, in which Carbo is charged with fear of death.

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in his house in Utica by the citizens who dreaded a social revolution.[1] The command of the troops was then taken by Domitius Ahenobarbus, Cinna's son-in-law. But as soon as Pompeius had landed in Africa seven thousand men went over to him, and Domitius was soon overpowered, and fell after a short struggle. His African ally Hiarbas was made prisoner and put to death, and Hiempsal, the legitimate king of Numidia, was again set on the throne. Pompeius had pacified Africa in forty days, and now made a triumphant military progress through Numidia.[2] Whilst thus engaged he received from Rome Sulla's orders to dismiss his army, with the exception of one legion, and to return. He had calculated on the honour of celebrating a triumph in Rome; but he did not venture to defy his all-powerful master, though his soldiers presumed to be dissatisfied and threatened to mutiny if they were deprived of the triumphal entry into the capital. Pompeius did his utmost to calm them. He went so far as to declare that he would rather kill himself than refuse obedience. At last he succeeded in pacifying them. On the report of this dutiful conduct Sulla permitted Pompeius to keep his army together, and to bring it back to Rome for a solemn triumph. Thus the highest honour to which a Roman could aspire after having served the state creditably in the great public offices, was bestowed upon a young man before he had formally entered the official career, and was in reality only a private citizen. Pompeius would have been a man of more than ordinary modesty and self-control, if after such extraordinary marks of public approval he had been satisfied with the republican equality of ordinary mortals, and if his ambition had not led him on to aspire to an exceptional position and to rule instead of serving the state.

[1] Livius, 86. Oros. v. 20.

[2] On this occasion Pompeius, as Plutarch relates, amused himself with hunting lions and elephants. As the latter never were found in a wild state in northern Africa between the great desert and the Mediterranean (see vol. ii. p. 432), and as Plutarch in another place speaks of the animals as the 'king's elephants,' we may suppose that they had broken loose, or were let loose to serve as sport for the great man.

CHAP. XIX.

Operations of Sertorius in Spain.

All the provinces of the republic were now subjected to the government of the optimates, with the single exception of Spain. Into this country Sertorius had been sent[1] in the first year of the war (83 B.C.), in order to keep possession of it for the Marian party. He had met with little success at first, and left the province in consequence when the prætors Caius Annius and Valerius Flaccus arrived as Sulla's deputies. But after a while he returned, and renewed the contest for the possession of Spain with a spirit and success that marked him as a worthy antagonist of Sulla.

[1] He had not fled thither, as Appian says (*Bell. Civ.* 1, 86), nor had he gone immediately after he had seized Suessa (above, p. 350), but after he had returned to Scipio and had been taken prisoner by Sulla and then set free (Velleius, ii. 25, 3). We may surmise that his going to Spain for the purpose of collecting auxiliary forces for his party was a breach of the agreement with Sulla, by virtue of which he obtained his freedom. For it appears that Sulla reckoned upon a cessation of hostilities in consequence of the arrangement he had made with Scipio. See below, p. 375.

CHAPTER XX.

THE PROSCRIPTIONS.

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Reasons leading Sulla to the proscriptions.

THE perilous part of Sulla's task was done when his enemies lay prostrate at his feet, and armed resistance on a large scale had ceased. What remained for him to do was comparatively easy. He had to reward his adherents and his soldiers, and so to punish his political antagonists that no renewal of the terrible civil conflict should be feared. After his first victory in the year 88 B.C. he had acted with clemency and moderation. He had struck only at the heads of the party opposed to him, hoping that the reforms which he hastily introduced before he started for his eastern campaign would be accepted as a public benefit and remain the foundation of the constitutional order. But he had scarcely turned his back on Rome before the defeated enemies recovered confidence and strength, destroyed his work, and raged with relentless cruelty against all who on public or private grounds were attached to him. His camp in Greece was soon filled with fugitives. Every post brought tidings of the violence with which the Marians treated their families and their property. It was natural that Sulla and all those who were with him should be filled with bitter and vindictive feelings, and should wait impatiently for the time which would enable them to retaliate. Nevertheless Sulla was not like Marius swayed by feelings of revenge alone. His main object was the public good, which in his conviction was to be realised only by a return to the older institutions of the republic. We can easily understand that even after his return to Italy he was inclined to a compromise with his enemies which would have spared

him the dangers and horrors of a civil war. It is true that with some of his opponents it was beyond his power to make peace. The blood-stained democrats he was resolved to punish severely, and he made no secret of this intention in his communications to the senate.[1] He would willingly have spared the mass of their followers, many of whom, as he hoped, were ready to submit to any one that was uppermost, and cared more for their own interest than for political principles. But when on his arrival in Italy he met with almost universal and determined resistance, when he found that the democratic principles were professed by the mass of the citizens of Rome and by the great majority of the Italian population, when in a succession of hard-fought battles during two checkered campaigns he was obliged first to conquer the ground on which he could rear his political structure, he deliberately formed the resolution of making further changes impossible by the utter annihilation of his opponents. He determined to put out of the way an enemy with whom it was impossible to conclude peace, and his determination was the product not of passion or thirst of blood, but of a cool political calculation, and the conviction of its inevitable necessity.

Measure of Sulla's guilt.

From a humane point of view it may appear that acts of blood which are committed not in the heat of passion but on due consideration of their utility are the more revolting, as those who commit them are more responsible for their actions. Yet if we can acquit Sulla of the motives of vulgar selfishness, if we find that he acted not from mere vanity or ambition or the craving for absolute power, but from the conviction that he could remedy the evils of the community only by unsparing severity against those who in his opinion were their authors, we shall not place him on a level with those scourges of mankind who in ancient or modern times have sacrificed the happiness of nations to their criminal selfishness. Nor should we measure Sulla by the standard of our modern sentiments

[1] Above, p. 339.

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of humanity, and by our estimate of the value of human life. In our times the principle has been pronounced and widely approved (though not yet acted upon), that political offences ought not to be punished with death. It was not so in the states of antiquity. The horrors which accompanied political revolutions in the Greek communities of the mother country and their colonies are well known. In political as well as in international warfare the conquered were by the prevailing sense of right considered to have forfeited not only their legal status, but life and property to the conqueror. If we bear all this in mind, we shall condemn indeed many acts of revolting cruelty, but we shall not confound Sulla with those wretches who have dipped their hands in blood from mere wantonness and revenge, or to serve a selfish ambition.[1]

Origin of the proscriptions.

Immediately after the battle before the Colline Gate Sulla ordered the people to be assembled,[2] and repeated what he had said on the occasion of his first appearance in Rome after the battle of Sacriportus,[3] that it was his intention to restore laws and order in the state. But

[1] Niebuhr, in his *Lectures on Roman History* (ii. 380), calls Sulla a 'bloodthirsty monster.' Zachariæ, in his book on L. Cornelius Sulla (i. 145), has hit the truth in saying: 'We must not imagine that these horrors and cruelties were caused by the passions so powerfully excited by the civil war, nor that they are to be attributed to Sulla's implacability and vindictiveness, nor that Sulla simply connived at them, or ordered deeds which he could not prevent, surrounded as he was by an army drunk with victory and greedy for plunder. It is true some dark passions were at work, and in several instances Sulla acted from momentary whims or was influenced by angry passions. It is true that Sulla was obliged to be indulgent and forgiving to his soldiers because he was himself in want of indulgence and forgiveness. Nevertheless we have good reason to believe that on the whole Sulla acted on a deep and coolly meditated plan. . . . He intended that out of the work of destruction a new and vigorous Italy was to come forth with a population from whose gratitude or satisfaction he could confidently expect security for peace, and for that constitution of the republic which he was about to establish.' The same opinion is expressed by E. A. Freeman in his essay on L. Cornelius Sulla (*Essays*, ii. p. 283): 'He was not cruel in the sense of delighting in human suffering;' p. 284: 'Through the whole of Sulla's tyranny there is nothing passionate; it is not so much cruelty as recklessness of human life; it is the cold, deliberate, exterminating policy of a man who has an object to fulfil, and who will let nothing stand in the way of that object.'

[2] Appian, *Bell. Civ.* 1, 95.

[3] Above, p. 355.

these words of comfort were accompanied by a terrible threat. He added that he would punish his enemies to the uttermost, and that he would spare nobody who had taken part in hostilities against him after the time of the compact agreed to between him and Scipio in Campania the year before.[1] After this declaration the executions began. A great number of persons were put to death,[2] and universal terror prevailed when Q. Metellus rose in the senate and called upon Sulla to make known the names of those who were destined for execution, that it might be known who were doomed to die and who might consider their lives safe. The same opinion was expressed by Q. Catulus, the son of the Catulus who in the Marian persecutions had chosen to die by a voluntary death. The suggestion was adopted by Sulla, and this was the origin of the terrible proscriptions, which were intended to be not an encouragement to indiscriminate murder, but rather a barrier for the rage of over-zealous or unscrupulous partisans.[3] If at first every adherent of the victorious party could give free scope to his revengeful feelings or to his lust for plunder, the lists now published with the names of the victims formed a barrier, and were so far a protection to

[1] Hence we must infer that the negotiations between Sulla and Scipio (above, p. 350) really led to a formal compact, according to which hostilities were to cease. Scipio himself, it seems, was not to blame for the violation of this agreement, but the other party leaders, especially Carbo. This explains the fact that Scipio was restored to liberty by Sulla. The answer of the democrats to Sulla's propositions of peace was the murder of those of his friends who had been spared till now, and later still the murder of Scævola and other senators. See above, p. 354.

[2] According to Orosius (v. 21), as many as nine thousand. In this number, however, if it is to be credited, the Samnites must be included, who were slaughtered wholesale in the Field of Mars. These Samnites and the other victims are also spoken of in conjunction by Dio Cassius (*Frgm.* 109, 5): *τούτους* (the Samnites) *ἐφόνευσε καὶ πολλοὶ τῶν ἐκ τῆς πόλεως ἀνθρώπων ἀναμιχθέντες σφίσι παραπώλοντο.*

[3] The proscriptions are generally supposed to have been invented on this occasion. See Velleius, ii. 28, quoted in next note. This is a mistake; for the practice was older, as appears from the following passage in Plutarch, *Tiberius Gracchus*, 20: *καὶ τῶν φίλων αὐτοῦ τοὺς μὲν ἐξεκήρυττον ἀκρίτως τοὺς δὲ συλλαμβάνοντες ἀπεκτίννυσαν ἐν οἷς καὶ Διοφάνης ὁ ῥήτωρ ἀπώλετο.* The term *ἐκκηρύττειν ἀκρίτως* correctly designates what is understood by proscription.

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those whom Sulla did not deem guilty or important enough as opponents of his work. The proscription lists, it is true, were drawn up hastily, in defiance of the principles of equity or established law, and without the guarantees for justice which a regular trial and an impartial inquiry into facts secure.[1] There was not even the semblance of a revolutionary tribunal or the summary proceeding of a court martial to invest the sentences of death with any outward form of justice. Nevertheless something was gained for the cause of humanity, inasmuch as by sanctioning the proscription lists Sulla was called upon to order every individual execution himself, and thus to a certain extent remained personally responsible for each. Though he was no doubt obliged to consult his friends and partisans in drawing up his lists, though he might often be misled by false statements which he had no leisure to test, nevertheless the proscription lists were a means whereby indiscriminate slaughter was averted, private passions controlled, and a certain method and system, almost akin to judicial order as compared with lynch-law, was brought to bear on the work of retribution.

Publication of a series of lists of the proscribed.

If in drawing up the proscription list it was Sulla's intention not only to put a stop to a wholesale slaughtering of political opponents, but also to take away from the community in general the terrible feeling of insecurity and terror from which few could be quite free, he ought to have limited his proscription to one list. All those who did not see their names on this list would have breathed again, and confidence would gradually have returned. But when after the first list a second was published, and shortly after this a third, and it seemed

[1] Velleius, ii. 28: Primus ille, et utinam ultimus, exemplum proscriptionis invenit, ut in qua civitate petulantis convicii iudicium histrioni exoleto redditur, in ea iugulati civis Romani publice constitueretur exauctoramentum, plurimumque haberet qui plurimos interemisset, neque occisi hostis quam civis uberius foret præmium, fieretque quisque merces mortis suæ. Cicero, *Pro Dom.* 17, 43: Proscriptionis miserrimum nomen illud . . . quid habet, quod maxime sit insigne ad memoriam crudelitatis? Opinor pœnam in cives Romanos nominatim sine iudicio constitutam.

that there was no end to this process of extending the range of vengeance to an ever-widening area, the terror became more intense, and the agony of the sufferers the more excruciating as hope and fear alternated from day to day.

Number of the victims.

The number of the victims of the proscriptions cannot be stated with precision, as the authorities differ widely, and as some whose names were on the lists succeeded in eluding their pursuers. According to Plutarch [1] the first list contained eighty names, the second, which appeared on the third day, two hundred and twenty, a third twice as many. Nor were these all, as Sulla could not at once supply from memory the names of all whom he thought worthy of death, and day after day denounced others. According to Appian [2] the first to be proscribed were forty senators and about sixteen hundred knights, but later on many more. Valerius Maximus [3] speaks of four thousand seven hundred names contained in the proscription lists. All these and other statements are vague and untrustworthy. But it cannot influence our judgment of the proscriptions much to know the exact number of the victims. Nor can we think that the effect intended to be produced was very much affected by it. Whether a few hundreds or many thousands were slaughtered mattered little in the end; for neither a political party nor a religion can be effectually extirpated even by the most sweeping and relentless persecution, if like a destructive thunderstorm it passes over, and is not periodically and systematically repeated.

Purposes which the proscription was made to serve.

If the victims of the Sullanian proscriptions had been taken only from the ranks of those who were really political opponents, it might be possible, if not to justify, at least to excuse the measure.[4] But in the hasty and summary

[1] Plutarch, *Sulla*, 31. [2] Appian, *Bell. Civ.* i. 95. [3] Valer. Max. ix. 2, 1.

[4] The sentiment of moderate politicians is put by Sallust (*Catil.* 51) into the mouth of Cæsar: Nostra memoria Sulla cum Damasippum et alios huiusmodi, qui malo rei publicæ creverant, iugulari iussit, quis non factum eius laudabat? homines scelestos, factiosos, qui seditionibus rem publicam exagitaverant, merito necatos aiebant. Sed ea res magnæ initium cladis fuit.

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proceedings it was not easy to distinguish always between the enemies of the party and the private or personal enemies of individual members of the party. Many who were not known to Sulla were included in the lists on the denunciation of private enemies; nay, some of Sulla's own friends are said to have perished in this way.[1] Worse things happened. Rich men who were no way implicated in the party struggles were reported by ruffians as adherents of the Marian faction, that they might be plundered with impunity. It was easy for debtors in this way to settle their accounts, or even to grasp the wealth of their victims as the price of their denunciations.[2] Some of these unhappy men are said to have been first murdered, and subsequently, for the justification of the murder, entered on the proscription lists.[3] In this way the infamous Catiline is charged with having secured impunity for himself after the murder of his own brother.[4] We hear nothing on this occasion of acts of generosity and self-sacrifice such as are reported of other similar days of terror. It is a sad proof of the low moral status of the Roman people, that not a single man was bold enough to resist the cruel mandate for shedding blood. No general indignation was roused. Not even passive resistance was offered. On the contrary, we are told that many persons, merely for the sake of their own personal security, were eager to proclaim themselves partisans of Sulla, and to escape proscription volunteered to act as spies and murderers. Many wretches were also tempted by the prize which was offered for the denunciation of the guilty, for the discovery and apprehension of

[1] Oros. v. 21: Plurimi tunc quoque non dicam innocentes sed etiam ipsius Sullanæ partis occisi sunt. Plutarch, *Sulla*, 31: ἀναιρουμένων πολλῶν καὶ κατ' ἰδίας ἔχθρας, οἷς οὐδὲν ἦν πρᾶγμα πρὸς Σύλλαν. Velleius, ii. 28, 4.

[2] Plutarch, *Sulla*, 31: ἦσαν δὲ οἱ δι' ὀργὴν ἀπολλύμενοι καὶ δι' ἔχθραν οὐδὲν μέρος τῶν διὰ χρήματα σφαττομένων· ἀλλὰ καὶ λέγειν ἐπῄει τοῖς κολάζουσιν, ὡς τόνδε μὲν ἀνῄρηκεν οἰκία μεγάλη, τόνδε δὲ κῆπος, ἄλλον ὕδατα θερμά.

[3] Velleius, ii. 28. Oros. v. 21: Alios quos proscripserant, iugulabant; alios autem postquam iugulaverant, proscribebant.

[4] Or rather his cousin Q. Cæcilius, according to Quintus Cicero, *De Petit. Consul.* 2, 9.

a fugitive, for the delivering up of a proscribed man's head. No hiding-place, no sanctuary, could shield any one doomed to die, and severe punishments awaited those who ventured to aid even a brother or a father in their flight.[1]

Meanness and vindictiveness of Sulla.

It is not impossible, or even unlikely, that the excited imagination and the moral indignation of the historians have contributed to represent the terrible days of the Sullanian proscriptions as worse than they really were. Nor can it be denied that in some of the narratives the facts seem to have been distorted and exaggerated for the purpose of producing a fine rhetorical effect.[2] Moreover it seems that some isolated crimes of a peculiarly heinous kind have been represented as typical of the general proceedings. We may therefore be justified in subtracting much from the sum total of horrors committed in connexion with Sulla's victory and the Sullanian proscriptions. But when all such deductions have been made, there remains so huge a mass of coldly planned and recklessly executed murders, that we cannot think of their author without disgust and loathing. He must moreover stand lower in our opinion, because he was spiteful and mean enough to persecute his great opponent even in his grave, and to dishonour his memory. He caused the bones of Marius to be taken up and cast into the Anio,[3] and his monuments and trophies to be destroyed.[4] Nor was he content with even this ungenerous revenge. At a later period, when he recorded his exploits in his memoirs and could no longer be agitated by the passions of the struggle and the heat of combat, he blackened the memory of Marius, and tried by the contrast to magnify the glory he had himself achieved.

Roman inhumanity.

Apart from this personal animosity to Marius and his memory, Sulla does not seem in his work of retribution

[1] Plutarch, *Sulla*, 31.

[2] This is particularly the case in Dio Cass. *Frgm.* 109.

[3] Cicero, *De Legg.* ii. 22, 56. Valer. Max. vi. 8, 2.

[4] Plin. *Hist. Nat.* xxxiv. 6.

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to have been exceptionally severe. That the bodies of the slain were dragged with hooks through the streets and cast into the Tiber, was not a novelty at Rome, and might on the contrary have been looked upon as an established custom.[1] So also the cutting off of the heads and the planting them upon the public platform in the forum, were sights to which Rome had almost become used. If it be true that Sulla personally received these horrid trophies in his own house or in the market-place, and superintended the carrying out of his sentences of death, we may perhaps suppose that he did it, not to gloat on the ghastly sight[2] and to insult his victims, but to regulate the payment of the promised rewards. One insulting and ungenerous remark made by Sulla is, however, too much in character with his nature to be doubted. Looking with a contemptuous smile at the head of the younger Marius, he uttered the words of the Greek poet: 'Before seizing the helm one ought to have been a rower.' The application of this sentence to the youthful Marius did not come with a good grace from the patron of Pompeius. Only in one case does it appear that an exception was made from the general rule which sanctioned simple death, unaccompanied by tortures, as the punishment of the proscribed. It is reported that Marius Gratidianus, the nephew of the elder Marius, was dragged to the grave of Lutatius Catulus; that here his hands, ears, and nose were cut off, his eyes torn out, and that his limbs were crushed one by one.[3] This butchery is related in Livy's epitome, so as to make it appear that Sulla ordered it or actually saw it done.[4] We cannot reconcile this inhuman

[1] Valerius Maximus (ix. 2, 1) in his bombastic style relates this as follows: Lacerata ferro corpora. Tiberis impatiens tanti oneris aquis vehere est coactus.

[2] This charge is actually brought against him by Valerius Maximus (ix. 2, 1): Ut oculis illa capita, quia ore nefas erat, manderet.

[3] Florus, iii. 21, 26: Piget referre Marium apud Catuli sepulchrum, oculis, manibus, cruribusque defossis, servatum aliquamdiu, ut per singula membra moreretur. Oros. v. 21.

[4] Livius, 88: Marium senatorii ordinis virum, cruribus brachiisque fractis, auribus præsectis et oculis effossis, Sulla necavit. The narrative of Valerius Maximus, ix. 2, 1, taken from Livy, distinctly ascribes the deed to Sulla. So also Seneca, *Dialog. de Ira*, iii. 18, and Lucan, *Pharsal.* ii. 173.

barbarity with Sulla's character. It appears that the execution of Marius Gratidianus, with whatever atrocities it may have been accompanied, was an isolated act of personal vengeance, and that it was perpetrated by the son of that Catulus in retaliation of the death of his father, the personal enemy of the elder Marius.[1] This was the reason for selecting as the scene of the execution the grave of Catulus. The blood of Marius was to be an expiatory sacrifice, such as a son was in duty bound to pour out on his father's tomb. We are informed that with the younger Catulus, L. Catilina was engaged in this sanguinary act of vengeance, that he brought the bleeding head of Marius to Sulla in the market-place, and washed his hands in a public water basin belonging to the temple of Apollo. If this be true, it is evident that Sulla could not have been personally concerned in an act worthy of professional torturers.[2]

Decrees of confiscation against the Marians.

The death of his political adversaries alone could not give Sulla that security for the permanence of the new order of things which he was about to establish, unless he took means to prevent the revival of the defeated party. This led him to the iniquitous decree that the property of the proscribed should be confiscated, and that their sons and grandsons should be disqualified from the honours and dignities they had enjoyed. Nothing should be left to them for their heritage but the bearing of the public burdens.[3] So harsh a measure had never before been adopted in the political warfare of Rome,[4] and though it

[1] The scholiast to Lucan, *Pharsal.* ii. 173, says: Catuli filius petivit a Sulla, ut sibi Marius daretur ad pœnam, quem datum per singula membra cruciavit.

[2] As Plutarch says nothing of the torturing of Marius, it is possible that we have here a huge exaggeration or a mere fiction before us. Perhaps it originated in the charges which Cicero's brother Quintus brought against Catiline (Q. Cicero, *De Petit. Consul.* 3, 10). It is very curious that Cicero himself never mentions these atrocities, though he surely would not have willingly lost an opportunity for representing Catiline as the most execrable miscreant.

[3] Velleius, ii. 28, 3: Adjectum etiam . . . ut senatorum filii et onera ordinis sustinerent et iura perderent. It is not easy to see how this was possible.

[4] Lepidus says of Sulla in the speech in Sallust's History (*Hist.* 41, 6, Dietsch, p. 938, Cort.): Quin solus omnium post memoriam hominum supplicia in post futuros composuit, quis prius iniuria quam vita certa esset.

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implied no shedding of blood, and was therefore not on a par with the proscriptions, it exposed Sulla perhaps to more obloquy and to more lasting hatred; for its effects were felt not at one moment only, like the executions, but for a long time. The wholesale confiscations, whereby old families were reduced to poverty and political adventurers suddenly acquired large fortunes, produced vast economical changes in the upper regions of society at Rome and all over Italy, and were indirectly of immense influence for preventing a restoration of the order which had existed before Sulla's reform.

Murders and massacres throughout Italy.

The executions which had taken place at Rome were the beginning and the model for similar butcheries in every part of Italy.[1] Not only the fugitives from the capital were pursued far and wide, but in every Italian community the victory of Sulla made the real or pretended partisans of his cause masters of the executive power, giving them license to pass sentences of death and to execute them. What atrocious crimes could be perpetrated on such occasions may be learnt from Cicero's speech for Cluentius, whose stepfather Oppianicus acted in the Samnite town of Larinum as the executor of the Sullanian decrees, and used his power especially for putting out of the way his relations who were troublesome to him or whose heir he wished to become. It seemed that Italy was received into the citizenship of Rome only that she might have her share in the sufferings and crimes which deluged the Roman forum with blood.

Plan of restoring the dictatorship in the person of Sulla.

When the defeated party had felt the heavy hand of the conqueror, and the whole community lay helpless at his feet, Sulla altered his course of action, and, abandoning lawless violence, endeavoured for the future to act in accordance with the order of the constitution. He first desired to obtain indemnity for all that he had done in the

[1] Livius, 38: Urbem ac totam Italiam Sulla cædibus replevit. Florus, iv. 2: Ac Mariana quidem Cinnanaque rabies iam intra urbem præluserat, quasi si experiretur. Sullana tempestas latior, intra Italiam tamen detonuerat, &c. Appian, *Bell. Civ.* i. 96. Plutarch, *Sulla*, 31.

past, and the sanction of the people for all the measures he now intended to bring forward. The executions had begun in the month of November of the year 81 B.C., before Sulla was formally invested with any of the regular republican magistracies or any kind of public authority. He possessed in reality only proconsular power, and even this he could no longer lay claim to, after he had entered the limits of the town district. The proscriptions were accordingly mere acts of violence, the accompanying horrors of civil war, and almost the last acts of that war. Tranquillity being now restored by the total overthrow of one party, the question arose as to the legal form in which Sulla should take upon himself the public authority for governing and reorganizing the state. He might, if he had thought proper, have caused the people to elect him consul. But the consulship involved divided authority and was subject to many constitutional checks, besides being limited in time. Sulla foresaw that his task would be too arduous and comprehensive to be accomplished with the precarious concurrence of a colleague, or in a consular period of office. He therefore fell back upon the old office of the dictatorship, which had been obsolete almost since the Samnite wars, and, though momentarily revived in the stress of the Hannibalic war, had soon been again discontinued. In doing so Sulla acted in accordance with the spirit of the Roman constitution. The dictatorship was an office by which for a time all the executive power of the republic was united in one hand; it had been the stage through which the Roman constitution had passed in its transition from the old monarchy to the republic,[1] and now it seemed admirably adapted for the purpose of repairing the shattered framework of the republic and laying the foundation of a new order of things towards which recent events were leading.

As of the two consuls of the year 82 B.C. Marius was dead and Carbo a fugitive, the republic was without a

[1] Vol. i. p. 127.

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The proposal for Sulla's dictatorship carried.

legally appointed head. To conduct the election of new magistrates in the constitutional form an interrex had to be appointed. According to the ancient practice such an appointment was made in a regularly established order by the patrician members of the senate, and the dignity, which was held only for five days, passed from one interrex to another until the interregnum was terminated by the election of a regular magistrate. This election used to take place under the presidency of one of the interreges, but never under that of the first of them. Sulla, though on the whole desirous of respecting the old constitutional practice, did not observe it in all its detail. Leaving the town, as if he wished to avoid the reproach of exercising an undue pressure on the decisions of the senate, he wrote nevertheless a letter to L. Valerius Flaccus,[1] the first appointed interrex, in which he expressed his opinion that for the restoration of order it would be necessary to nominate a dictator for an indefinite period, and he declared at the same time that he himself was willing to accept such an office, if it were offered to him.[2] This suggestion was of course equivalent to an order,[3] and in consequence of it Valerius proposed a formal resolution to the people to elect Sulla to the office of dictator for re-establishing peace, to confer on him the supreme legislative and judicial autho-

[1] This L. Valerius Flaccus, a cousin of the consul of 86 B.C. of the same name, who had been murdered by his soldiers at the instigation of Fimbria, was a man of moderate opinions, and seems to have endeavoured to reconcile the two hostile parties. He had been consul with Merius in 100 B.C. During the ascendency of Cinna and the democrats in 86 B.C. he had been named princeps senatus, and as such had spoken in the senate in favour of a compromise with Sulla (above, p. 339). That this man, and other men of note like Marcius Philippus, the fierce opponent of Livius Drusus, could manage to escape proscription and death, seems to show that after all the horrors of civil war were not so sweeping and universally destructive as is often supposed, and that it was possible for men of moderate sentiments to escape the dangers which threatened the extreme partisans of both sides.

[2] Appian, *Bell. Civ.* 1, 98.

[3] Appian (*Bell. Civ.* 1, 99) expresses it very forcibly: *Ῥωμαῖοι δ' οὐχ ἑκόντες μὲν οὐδὲ κατὰ νόμον ἔτι χειροτονοῦντες οὐδὲν, οὐδ' ἐπὶ σφίσιν ἡγούμενοι τὸ ἔργον ὅλως, ἐν δὲ τῇ πάντων ἀπορίᾳ τὴν ὑπόκρισιν τῆς χειροτονίας ὡς ἐλευθερίας εἰκόνα καὶ πρόσχημα ἀσπασάμενοι, χειροτονοῦσι τὸν Σύλλαν ἐς ὅσον θέλοι τύραννον αὐτοκράτορα.*

rity; to ratify all the measures he had already taken or was about to take—all executions, confiscations, assignations of land, settlements of colonies, all his decisions in Asia and elsewhere;[1] in fact to invest him with unlimited authority for an unlimited period. Of course this motion was accepted by the people. Sulla was in due form made absolute ruler of the Romans. The monarchy which had been overthrown by Brutus and Collatinus was re-established, if Sulla chose to exercise the monarchical authority conferred upon him. Had he been led by personal ambition alone, he would not have resisted the temptation of keeping permanently a power which no one could dispute. By the use which he made of it he proved that he was guided by higher motives. He set to work to restore the republic on new and firmer foundations, preserving all that in his opinion had given it in olden times its dignity, strength, and glory.

Character of Sulla's dictatorship.

The dictatorship of Sulla was in truth not a dictatorship in the sense of the old republican constitution. Those men who from the first age of the republic down to the Punic wars had from time to time been nominated to the office had always a well-defined special duty to discharge in a given time, and they were expected to meddle with nothing which was not within the line assigned to them. Sulla's task was of a general nature and all-comprehensive range; it embraced every department of the commonwealth without any restriction, and he had the most essential of all monarchical attributes, which is the unlimited duration of office. Nevertheless Sulla's dictatorship cannot be looked upon as in reality a monarchical government. It was not interpreted as such either by Sulla's party, or by the Roman people, or even by himself. Although the duration of his high functions was not specially expressed in numbers of years or months,

[1] Plutarch, *Sulla*, 33. The expression ἀφελέσθαι τὴν βασιλείαν ᾧ βούλοιτο, appears to have reference to Sulla's dispositions in the Asiatic and Numidian kingdoms. Cicero, *De Leg. Agrar.* iii. 2, 5: Omnium legum iniquissimam dissimillimamque legis esse arbitror eam quam L. Flaccus interrex de Sulla tulit, ut omnia quæcunque ille fecisset, essent rata.

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all parties concerned had the conviction that it would only be a passing phase in the constitutional life of Rome; and though his powers extended to every part of the constitutional organization, yet it was understood that he contemplated only certain definite reforms, which were required by present circumstances, and could be carried out without entailing the necessity of a permanent substitution of personal monarchical government in the place of republican order and responsibility, in other words, of annually changing magistrates. The possibility, it is true, could not be denied or blinked at, that a man raised to such fulness of power, intoxicated by his success and accustomed to be obeyed, might hesitate to lay down an authority which he had assumed without the intention of keeping it. It might have been remembered that even the decemvirs of old, who surely could advance nothing like Sulla's claim to rule the state, had made the attempt unduly to prolong and extend the authority entrusted to them. Hence when Sulla did actually retire from his exceptional power without any external compulsion and in a comparatively short time, surprise and admiration of his high spirit were not unnaturally widely felt and expressed. Yet it cannot have been generally supposed that Sulla's dictatorship would all at once put an end to that periodical change of governing and obeying (τὸ ἄρχειν καὶ τὸ ἄρχεσθαι) which is the essence of republican institutions and the condition of all personal liberty; no one could imagine, even if he feared the worst of Sulla's ambition, that he would make himself a king like Tarquin the Proud or a tyrant like Dionysius of Syracuse. The optimates looked forward with confidence to the restoration of their powers, and Sulla had no other intention from the very beginning of his political career.

It was for this reason that he avoided the appearance of a wish of disguising under the form of a dictatorship the reality of absolute monarchy. Though, to the terror of his contemporaries, he surrounded himself with twenty-

four lictors,[1] he named according to ancient custom a master of the horse as second in command, and for the succeeding year, 81 B.C., he caused consuls and all the other republican magistrates to be elected. Having thus put an end to anarchy and to the interregnum, and having restored the regular constitutional order of things, he took in hand his great work of reform with an energy and a resolution which we are forced to admire, whatever we may think of the intrinsic value of the reform itself.

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[1] Livius, 89 : Sulla dictator factus, quod nemo unquam fecerat, cum fascibus quatuor et viginti processit. This is not in accordance with the distinct statement of Polybius (iii. 87, 8), Dionysius (x. 24), Plutarch (*Fab.* 1), and Appian (*Bell. Civ.* 1, 100), all of whom attribute twenty-four lictors to the dictator. It seems that Livy's notice is taken from the report of a contemporary, who was unacquainted with the long-abolished ancient usage.

CHAPTER XXI.

THE SULLANIAN CONSTITUTION.

1. *Preparatory Measures.*

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Foundations of the Sullanian constitution.

THE information we possess of the Sullanian constitution is not explicit and accurate enough to enable us to arrange his various measures in chronological order. But as the whole work of reform was completed in the comparatively short period of two years, and as it cannot be shown that any portion of it was a preparatory step to another, it may be regarded as one uniform and homogeneous body of laws, constituting in their totality a coherent and systematic whole; and we can analyse it by taking in succession the different branches of the administration and legislation which were affected by it, without any regard to the order of time in which the several laws were enacted. But before examining the reform itself we shall have to deal with several measures of administration which Sulla had to take in his capacity of ruler, and which were necessary, partly for levelling the ground on which the new edifice was to stand, partly to provide props and ties to ensure its durability.

The proscriptions; their nature and purpose.

Among these measures we must reckon first of all the proscriptions, which, as consequences of the civil war, were mere acts of violence, but which, regarded from the point of view of the legislator, appear as the unavoidable condition for the renovation of the constitutional order. A superficial view of historical necessity has induced some writers, ancient and modern, to condemn the proscriptions as mere atrocities committed without an ulterior object and without any practical result. It has been said that Sulla after

his victory might, if he had thought proper, have forgiven his enemies and have forgotten all the harm they had done to the republic, to his friends, and to himself. But surely policy so fainthearted or weakminded would immediately have led to another revolution, with new horrors worse than those of the year 87 B.C., followed by another civil war more terrible than the last. It was Sulla's object to root out the seed from which such a bloody crop could spring. For this reason he pushed the work of destruction of the revolutionary party, in and after the civil war, fearlessly and relentlessly to its last bitter end. A formal law on proscriptions,[1] a sort of supplement to the general sanction of his executions which had previously been given,[2] contained particular instructions with respect to the forms to be observed, and regulated the sale of the property of proscribed persons for the benefit of the public treasury and of the victorious party. We must remember that this party had been systematically plundered under the Marian *régime*, and we cannot blame a party leader like Sulla for providing rewards and compensation for his followers rather than showing himself generous at their expense to his opponents. Even if he had wished to act otherwise he would not have been able to do so; for he would have estranged his best friends by acting contrary to the rule, universally acknowledged in antiquity, and which claimed for the benefit of the conquerors all the possessions of the conquered. Nor can we make Sulla personally responsible for the numerous disorders and hardships which occurred in connexion with these confiscations. Sulla could not possibly know all that was done in his name, and he was no doubt often obliged, when he did know, to connive at the iniquities of his subordinates, many of whom availed themselves of the opportunity for enriching themselves with the spoils of real or alleged enemies of their master. If so respectable a soldier and valuable ally as Marcus Crassus could manage at the public auctions to purchase at nominal

[1] Cicero, *P. Roscio*, 43, 125; *Pro Dom.* 30, 79.

[2] Above, p. 385.

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prices large estates and to amass a colossal fortune, if a man as rapacious as Verres, or a contemptible freedman like Chrysogonus, nay a favourite servant and common centurion, and other men of like position, imitated their betters in this legal robbery, we must content ourselves with saying that abuses of this kind, however they may be condemned by the wise and the virtuous, are ever the concomitants of great social and political revolutions. This alone was really unworthy of Sulla, that he took a share of the plunder for himself and his wife Metella, and that with a cruel and bitter irony he spoke of the property of the proscribed as his spoils.[1] Perhaps he justified his act with the plea, that during his absence in Greece the Marians had pulled down his houses, laid waste his lands, and confiscated all his property within their reach, and that he was now doing no more than recovering what was his own.

Amounts realised by sales of property.

We are informed that at the sale of the confiscated estates some were acquired by Sulla's favourites for trifling sums, and that in many cases the small purchase money was never paid, but that at the same time wealthy citizens were urged to bid and buy, because Sulla after all did not lose sight of the interest of the public treasury which required refilling, and because moreover he was pleased to see a great number of substantial people bind themselves by the purchase of such estates to his party and, as it were, give pledges for the maintenance of his arrangements. Thus it happened, that in spite of the general fall in prices which was inseparable from such a wholesale transfer of property, and in spite of the high price of money due to the general insecurity, not less than three hundred and fifty millions of sesterces, more than four millions of pounds sterling, were realised by the sales.

The proscription lists were closed for the whole of Italy on the first day of June, 81 B.C.[2] It seems that this

[1] Comp. Drumann, *Röm. Gesch.* ii. p. 478.

[2] Cicero, *P. Roscio Amer.* 44, 128.

distant date was fixed by the law for the purpose of enabling Sulla to reach the victims of his vengeance in the most remote parts of Italy. In Rome, it seems, the proscriptions had ceased long before that date. Perhaps we may be justified in assuming that no more than the three lists mentioned by our authorities were successively published. It was natural that outside of Rome, in the old thirty-five tribes as well as among the new citizens, the proscriptions should begin later and last longer; but even here it is not likely that they extended over the whole period fixed by law as the maximum for their duration.[1]

Limit of time assigned to the proscriptions.

A longer period of time was required by other acts of repression and punishment, which were directed not against individuals but whole communities. On landing in Italy from the East, Sulla had declared that he would accept the state of things created by the Social war; nay he had even acknowledged the right of the Italians of voting in the thirty-five tribes. But he had made these promises on condition that the Italians should lay down their arms or fight on his side. When he found that nevertheless a great number of the Italian communities ranged themselves on the side of his opponents, he did not consider himself any longer bound by his promise, and perhaps he was not displeased that he now could proceed by the right of war against those whom he had wished from the beginning to exclude from the Roman franchise. He caused a law to be passed in the comitia centuriata,[2] whereby he was empowered to inflict summary punishment on a number of Italian towns,[3] especially towns situated in Samnium, Lucania, and Etruria, which had been hostile to him, and in part still con-

Punishment of Italian towns.

[1] This applies not only to the proscriptions, but also to the sales effected in consequence of them. Cicero, *P. Rosc. Amer.* 44, 128. The latter, of course, required considerable time.

[2] Cicero, *P. Dom.* 30, 79: Populus Romanus, L. Sulla dictatore ferente, comitiis centuriatis municipiis civitatem ademit; ademit iisdem agros.

[3] How many towns were included in the list we do not know. It is a mere chance that only the names of a few are mentioned, such as Præneste, Interamna, Spoletium, Florentia, Sulmo, and Nola.

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tinued their hostility. They were now punished with the destruction of their walls, confiscation of territory, loss not only of the franchise which had just been promised them, but also of the old immunities and liberties which they had enjoyed by virtue of old treaties. In addition to this they were loaded with extraordinary taxes and other burdens, as a punishment for the resistance they had offered not only to the party of the optimates but to the majesty of the republic. Sulla could not forget that the aim of the Italians had been a secession from Rome on a grand scale, and the establishment of a confederacy which would have been a rival state in Italy, and a splitting up of the Roman dominion in every part of the empire. He remembered that in the heat of the final struggle they had marched upon the capital, and had vowed to exterminate the Roman people. Now the time was come when he could turn the tables upon them, and he did not shrink from the awful thought of sacrificing whole nations to the greatness and dominion of Rome.

Destruction of the Samnites and Etruscans. Desolation of Italy.

As he had begun after the fall of Præneste with putting to death all the citizens of this town and the whole Samnite garrison, as he had afterwards caused the Samnite prisoners to be slaughtered in the Field of Mars, so now he continued with cruel consistency this exterminating policy, by changing whole regions into deserts and leaving the inhabitants to die of hunger.[1] He carried out his work unflinchingly to the end. From this time forward the towns of Samnium, once so flourishing and populous, shrank to open villages or disappeared altogether. Etruria lost her old national language and character. All local peculiarities disappeared, and Italy became Roman throughout its whole extent. This was the way in which Sulla interpreted the law giving the Roman franchise to the Italians. There were to be

[1] Strabo, v. 1, 11: *οὐκ ἐπαύσατο* (Sulla) *πρὶν ἢ πάντας τοὺς ἐν ὀνόματι Σαυνιτῶν διέφθειρεν ἢ ἐκ τῆς Ἰταλίας ἐξέβαλε· πρὸς δὲ τοὺς αἰτιωμένους τὴν ἐπὶ τοσοῦτον ὀργὴν ἔχῃ καταμαθεῖν ἐκ τῆς πείρας, ὡς οὐδέποτ' ἂν εἰρήνην ἀγάγοι Ῥωμαίων οὐδὲ εἷς, ἕως ἂν συμμένωσι καθ' ἑαυτοὺς Σαυνῖται, καὶ γάρ τοι νυνὶ κῶμαι γεγόνασι αἱ πόλεις· ἐνίαι δ' ἐκλελοίπασι τελέως, κ.τ.λ.*

henceforth only Romans from the Rubicon to the Straits of Sicily; one law, one language, was to prevail, the law and language of Rome.

Establishment of Roman colonies in Italy.

To obtain this object it was not enough to destroy local peculiarities. It was necessary to build up something new in the places which had been cleared so ruthlessly. Roman citizens had to be sent as colonists into the desolate regions, and Sulla accordingly set to work to carry out his plans of colonisation, the grandest and most comprehensive which Rome had ever undertaken, and which have had no parallel in history till the settlement of the north of Ireland by Cromwell and William III. He established his military colonies, and thus obtained a threefold result. He remunerated his soldiers for the faithful services rendered to him in many years of toil and danger; he repeopled the regions desolated by war, and he provided a military protection for himself and for the new order of things which he was about to establish. It is said that he settled the great number of one hundred and twenty thousand men in different parts of Italy.[1] His colonies differed from the ancient Latin and the Roman citizen colonies in the manner of their foundation. For the latter it was necessary that a decree of the senate and a law passed by the people should fix the locality, the exact boundaries, the organization, and the government of each new colony. Sulla established his new settlements without the concurrence of senate and people, on the ground of the general powers conferred on him.[2] They are therefore not enumerated in the list of the regular colonies of the Roman republic,[3] but belong to the same class as those which were afterwards founded by the emperors.

For this reason the Sullanian colonies may be con-

[1] This tallies with the statement of twenty-three legions, which is the correct version. Appian, *Bell. Civ.* i. 100. The assertion (Livius, 89) that he employed as many as forty-seven legions does not deserve credit, and it is not in accordance with the number of 120,000 men.

[2] Appian, *Bell. Civ.* 1, 99. Plutarch, *Sulla*, 33.

[3] Velleius, i. 14.

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Purpose of the Sullanian colonies.

sidered as a distinct class. They have generally been called military colonies, as if the military character belonged to them exclusively, and not to the ancient Roman and Latin colonies as well. But as the first and principal object of the Romans in the foundation of colonies, down to the time of the Gracchi, was to protect and keep safely in subjection to Rome some recently conquered territory through the settlement in it of Latins or Roman citizens, we may regard all Roman colonies as military. It was only a secondary consideration that they could also serve the purpose of providing a living for the poorer citizens and a reward for old soldiers. So far as we can trust the old annals, these principles determined from the first the establishment of colonies. It was different in the time of C. Gracchus. He intended his colonies to serve the purpose of re-establishing an independent landowning peasantry. Their object was social and economical, and in contradistinction with them, the Sullanian colonies may be characterized as military or veterans' colonies. Yet they never answered this purpose so fully as the thirty ancient Latin colonies which regularly furnished their contingent of soldiers, or as the colonies of Roman citizens, which formed a sort of military frontier, especially along the sea coast.

Restlessness and untrustworthiness of the Sullanian colonists.

It was Sulla's intention that his veterans on being settled on fertile lands should become peaceful, industrious cultivators of the soil. He therefore applied the provision of a law previously tried, but tried in vain, which interdicted the sale of the assigned portions of land.[1] A restriction of this kind must of course be unavailing, and it was a bad sign for the success of his plan, that Sulla had so little confidence in the industrial habits of his soldiers as to resort to a compulsory law. But it could not be otherwise. The men who now for many years had led the irregular roaming life of soldiers and adventurers, shirked the monotonous labour of the ploughman as much as the town populace which Gracchus had

[1] Cicero, *De Leg. Agr.* ii. 28, 78.

wished to convert into husbandmen. In reality the Sullanian colonists were only a corps of reserve, quartered by the dictator all over Italy, to be ready at his call, in case of necessity, to spring to their feet and to range themselves under his standard. They were a dangerous element of disturbance, not only in the hands of their old leader, but of any other man who in a new civil conflict might appeal to their aid.[1]

Abeyance of the censorship.

We might have supposed that the violent and comprehensive measures which Sulla had taken with reference to the franchise of the Italians would have been brought to an end in a careful revision of the list of the Roman citizens. But, strange to say, we hear nothing of a new census taken at this time. On the contrary, it is certain that between the years 86–70 B.C. no new list of citizens was drawn up. Whether this was an intended omission, or a mere delay caused by secondary circumstances, we are unable to decide. It almost looks as though Sulla intended practically to nullify the rights of the new citizens which he had in principle admitted; and it also seems that the new citizens now, after having their claims admitted, were indifferent about using the privilege they had acquired. At least we hear of no discontent or agitation among them caused by the delay. The unnumbered calamities of the many years of war had produced such an exhaustion that the first object of the struggle seemed to have been, at least momentarily, forgotten.

2. *The People.*

Exercise of the franchise.

The final result of the internal struggles, which with only occasional interruptions had continued since the time of the Gracchi, was the removal of those legal barriers which had separated the citizens of Rome from the remainder of the Italian population. By virtue of the new constitutional law every free Italian was henceforth a

[1] Sallust, *Catil.* 28.

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Roman citizen, and shared in all the public and private rights of the community. It was sanctioned by law that the thirty-five tribes should extend over the whole length and breadth of the peninsula. To such colossal dimensions had grown the few square miles which in the beginning of the republic had contained the whole Roman people. With every onward step in this steady advance the original form of the constitution, so far as it remained unaltered, was less and less in harmony with the outward and material development of the state. Every year there was a greater disproportion between those citizens who practically wielded the sovereign right and the great mass of those who by reason of their distance from Rome were prevented from taking a regular part in the annual elections of magistrates and in the acts of legislation. The sovereign people actually assembled in the comitia were numbered at last not by thousands, but on most occasions by hundreds, or even by tens![1] It never occurred to a Roman statesman to think that such an arrangement was unreasonable. Nobody found, or even so much as sought, a method by which the constitutional rights of the great mass of citizens might be made practically available to them. Nor do the Italians, who were so eager for the Roman franchise, seem to have had any conception or apprehension that without a modification in the constitution their right of voting would be a mere empty title, and that there was no chance or physical possibility of their ever voting in a body in the Roman forum or the Campus Martius.

Inability of Sulla to advance beyond the idea of primary assemblies.

Sulla himself was not conscious of the irreconcilability of the constitutional theory with the historical facts. Even his genius, penetrating though it was, could not rise to the conception of that great political idea, the system of popular representation, which was reserved to be discovered and applied by modern Europe. He almost

[1] Cicero, *P. Sestio*, 51,109: Leges sæpe videmus ferri multas: omitto eas quæ feruntur ita vix ut quini, et hi ex alia tribu, qui suffragium ferant, reperiantur. Yet a minimum number, a quorum, was required by law, as appears from Dio Cassius, xxxix. 30, 3.

touched upon it; one step further, we should fancy, would have revealed to him the grand discovery. The senate, as reorganized by him, might easily have been made a truly representative body; but Sulla could not rid himself of the fundamental idea of the Greek and Roman world, that the sovereign rights of the people must be exercised directly by the people themselves, and cannot be transferred to any individual or to any select body. Under these circumstances Sulla, in endeavouring to reorganize the popular assembly, undertook a task which it was impossible to accomplish, and this impossibility was the cause of his failure. All that he did to overcome the difficulties resulted in an unsatisfactory patching up of a worn-out garment. The republican constitution, based as it was on the sovereignty of the whole assembled people, was crushed and smothered by the unwieldy mass to which the people had grown.

Difficulties of the problem with which Sulla had to deal.

How difficult it was, even before the admission of the Italians to the Roman franchise, to guide the policy of the republic according to firm and permanent principles, the statesmen of both parties had sufficiently learnt by experience since the time of the Gracchi. Even at that time the result of the popular voting in the forum or Campus Martius was often decided by mere chance or by violence. Either one party or the other could look forward to a majority of the voters, if they chose the time of the assemblies skilfully, and if they agitated energetically among the town populace or the peasants in the country, throwing out baits for their adherents or terrorising their opponents. The Roman people of these latter years had no vestige of a clear political conviction or a stubborn resolution, such as we may ascribe to the ancient plebeians in their long contest with the patricians. How was it possible for Sulla to secure for himself and the new government he was about to establish a solid, permanent, working majority in these degenerate popular assemblies?

His very first measure seemed calculated still more

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Emancipation and enfranchisement of the slaves of the proscribed.

to abase the character of the voting body, and it was an insult to the old and the new citizens alike. He caused more than ten thousand slaves of the proscribed to be emancipated, and these 'Cornelii' to be placed on the roll of Roman citizens.[1] These men were a sufficient guarantee that his proposals would not be negatived by the comitia, for even if their numbers should not have sufficed to secure a majority, the argument of their fists would have carried any resolution acceptable to their liberator. By this degradation of the popular assembly, Sulla probably wished to indicate his own private opinion of the value of the people's vote in the constitution. It was his way of solving the difficulty. Instead of abolishing an ancient institution, which though useless was hallowed by age and custom, he adopted means to make it entirely subservient to the rulers of the state.

Restriction of the enrolment of freedmen in tribes.

With the support of the 'Cornelii' and the rest of his adherents, Sulla was able to restrict the periodical admission of freedmen at the census, and to ordain that they should not be inscribed in all the thirty-five tribes, but in a limited number of them.[2] As a member of the nobility he could not adopt the policy of the democratic Appius Claudius, but adhered to the wise restriction of Fabius Maximus, which to some extent had prevented the swamping of the better class of citizens by liberated slaves.[3] This difficult constitutional question, which had from time to time caused great disputes, was not destined to be finally set at rest even by Sulla; for even at a later period we again hear of controversies about the voting rights of the freedmen.[4]

Desire of Sulla to exclude Italians from the franchise.

Such was the animosity of Sulla to the Italians that even to the degraded and practically impotent body of citizens they were not allowed admittance without some

[1] Appian, *Bell. Civ.* 1, 100: *τῷ τε δήμῳ τοὺς δούλους τῶν ἀνῃρημένων τοὺς νεωτάτους τε καὶ εὐρώστους, μυρίων πλείους ἐλευθερώσας ἐγκατέλεξε, καὶ πολίτας ἀπέφηνε Ῥωμαίων καὶ Κορνηλίους ἀφ' ἑαυτοῦ προσεῖπεν, ὅπως ἑτοίμοις ἐκ τῶν δημοτῶν ὑπὲρ τὰ παραγγελλόμενα μυρίοις χρῷτο.*

[2] Compare Livius, 84, with Dio Cass. xxxvi. 42.

[3] Vol. i. p. 435; iv. p. 34.

[4] Cicero, *P. Milon.* 12, 33.

large exceptions. All those communities were excluded which had drawn upon themselves his hostility by their opposition during the wars.[1] We may presume that all those proprietors of land who had been subject to proscription and confiscation, and whose possessions had been either sold or assigned to military colonists, likewise forfeited their rights or their claims of admission to the Roman franchise. The number of these persons all over Italy must have been very considerable, and by their exclusion the admission of the remainder of the Italians in large numbers was to some extent reduced, and became less objectionable and unreasonable.

General status of the Italian towns.

Whilst some Italian communities were punished for their hostility to Sulla, others, which had been wiser or more fortunate in siding with the victorious party, were rewarded with special privileges. Amongst them was Brundusium, which received the advantages of a free port. But on the whole Sulla's policy was directed towards abolishing the inequalities in the legal status of the different towns and placing them all on the same level. It had formerly been the practice of the republic to grant more or less advantageous terms to the several towns that were successively absorbed in the great confederacy with Rome, just as circumstances seemed to demand. But now, when the great gulf which had separated Romans and non-Romans in Italy was closed, when all Italy had received one law and formed one homogeneous whole, the local peculiarities, even where they had the sanction of solemn treaties, could no longer be allowed to subsist as elements of separation. After a long and wasting war, which had swept away so much that was dear to the Italian peoples and associated with their original independence, it must have been comparatively easy to level the still existing inequalities, so that under the mere pressure of inevitable fate the various Greek, Etruscan, and other Italian towns could receive the Roman law and the

[1] Sallust, *Hist.*, Orat. M. Lepidi, 41, 13, Dietsch: Sociorum et Latii magna vis de civitate pro multis et egregie factis a vobis data per unum prohibentur.

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Latin language, and lapse by degrees completely into the uniform nationality of their conquerors.

Abolition of the laws enjoining the distribution of cheap corn to the citizens of Rome.

If the Italians and the inhabitants of Rome had been honestly and fairly placed on a par, the latter would have had to renounce all the special advantages and privileges which they had hitherto enjoyed. Some advantages are inseparably connected with residence in the capital of a country, and cannot be taken away; they are moreover generally connected with corresponding burdens and drawbacks. But the city of Rome, which had been for so many ages the preponderating centre of the state, had not only enjoyed the benefits of being the seat of government and the scene of all the great functions of political life. It had rights and privileges, apart from the municipia and colonies, which were now no longer justifiable. The most invidious of these privileges was that which had been introduced by the Gracchi, and consisted in the distribution of cheap corn to the poorer classes of the inhabitants. Sulla, it seems,[1] abolished this worst of all demagogic abuses, which, while it exhausted the resources of the state and laid heavy charges on the provinces, reduced the self-respect of the working classes, and changed them into a mass of beggars and dependents. Only a man as independent and powerful as Sulla could venture to invade what the sovereign proletarians considered their most sacred privilege, the privilege of living without working at the public expense. Sulla had the spirit to do it, and he fondly hoped he could compel the idle mob to become industrious and useful citizens. But he could not effect this at once. Had he been for a number of years at the head of the government, his firmness might have produced some success. But those who succeeded him did not occupy his commanding position. They were obliged to bid for popularity, and they found it indispensable to purchase the votes and arms of the venal populace by again feeding them at the expense of the state.

At the time of his first and imperfect reform of the

[1] Sallust, *Hist.* i. 41, 11, Dietsch.

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Restoration of the comitia of centuries to their ancient privileges.

constitution in the year 88 B.C. Sulla had restored to the comitia centuriata all the legislative functions which they had gradually lost since the Hortensian laws (287 B.C.),[1] by the encroachments of the democratic comitia tributa.[2] He now, as dictator, naturally considered it one of his first duties to confirm this measure, as it was one of the most important objects in his whole system of reform to restrict the encroachments of the tribunes of the people, and to limit the power of the democratic comitia tributa, their special domain. In what form Sulla restored the comitia centuriata to their constitutional functions we are not informed. We may take for granted that he made no alterations in the distribution of classes and centuries, in the order of voting or in the figures of the census, but left the constitution of the comitia such as he had found it, i.e. in the condition which they had gradually acquired by successive reforms in the course of many ages since their supposed establishment by Servius Tullius.[3] Although these reforms had all tended to soften the rigidly aristocratic character which they had at first possessed, they yet had always retained so much of their original form that property, age, and social rank continued to mark distinct gradations, and to confer a higher or lower position upon the individuals composing them. Compared with the comitia of tribes, in which there was nothing but counting of heads, the comitia of centuries therefore still contained a considerable aristocratic element; and for this reason Sulla had selected them as the instrument for the exercise of the people's right of sovereignty. The election of the highest republican magistrates, the consuls and prætors, had always belonged to the comitia of centuries, and was of course still to be left to them; but Sulla now resolved not only to restore to them the right of legislation which they had only lost by desuetude, but to confine this right to them by depriving plebiscites of it, i.e. by withdrawing it from the comitia tributa under the presidency of the tribunes. In

[1] Vol. i. p. 448. [2] Above, p. 239. [3] Vol. iv. p. 17.

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doing this Sulla made a prodigious step backwards, for it was no less than a repeal of the Hortensian law of 287 B.C., a law which had been in undisputed force for more than two hundred years.[1] It is surprising, and almost incredible, that a sensible practical statesman should venture to attempt so rash an innovation. But in point of fact the basis on which the Hortensian laws were established had in the last two hundred years disappeared. They were enacted at a time when patricians and plebeians formed two distinct and rival sections of the community, equal, if not in numbers, yet in influence and power. It had a distinct and practical meaning to say, in the words of the Hortensian law,[2] that laws enacted by the plebeians should be binding on the whole people, i.e. on patricians as well as plebeians. But now the patricians had ceased to exist as a political class; they had been absorbed in the nobility, which contained plebeian as well as patrician families. The few patricians that remained could not give to the comitia of centuries a peculiarly patrician character, distinct from that of the comitia of tribes, from which patricians were excluded. With the exception of these few patricians, the two kinds of comitia consisted of the same persons. Nothing was essentially different in them but the form of their organization, the mode of calling them together, and the process of voting. By depriving the comitia of tribes of their right of legislation, Sulla did not deprive a single individual of it. He only sent them for the exercise of their rights into another assembly. And this other assembly was not one that had to be created as a new institution. On the contrary it had never ceased to exist either in law or practice. All that it was necessary to do was to restore a right which had never been formally abrogated, and to abrogate a right which had survived the causes that had called it

[1] Livius. 89: Tribunorum plebis potestatem minuit et omne ius legum ferendarum ademit. Mommsen (*R. Gesch.* ii. 356) thinks the right of the tribunes to pass laws in the comitia tributa was not taken from them, but made dependent on the previous sanction of the senate.

[2] Vol. i. p. 448, n. 2.

into existence. Sulla therefore did not create a new constitutional law, but restored one that was old.[1] CHAP. XXI.

Restoration of the senate to their old supremacy.

The comitia of centuries were, as they always had been, the assembly of the whole Roman people. Though by the divisions based on a property qualification the great masses of proletarians were restricted in the weight of their influence, yet the comitia contained the whole Roman people, and must therefore always have been to a considerable extent under the influence of popular leaders. In order to blunt the effect of this influence Sulla, passed a law for the restoration of the old constitutional practice which required that no popular vote should be taken without the previous recommendation of a senatus consultum. By this limitation the senate was re-established as the moving power in the state organism, and the abuse was abolished which enabled demagogues to dictate laws under the pretext of carrying out the will of the sovereign people.

Sulla's jealous guardianship of the franchise.

Sulla had not been able to prevent the admission of the Italians to the privileges of Roman citizens. But by his legislation he hoped to weaken the effect of this admission, at least in so far as the public rights of citizens were concerned, and so to regulate the exercise of the people's sovereign rights, that it should not be in the power of demagogues to use them rashly and recklessly for revolutionary purposes.

3. *The Senate.*

Reasons impelling Sulla to re-establish the old supremacy of the senate.

Neither the genius of a few eminent men nor the collective wisdom of the people had been the cause of the growth of Rome and of her final greatness and power. On the contrary, these results are due to the consummate

[1] There is no doubt that the tribunes of the people were deprived by Sulla of the right of passing plebiscites, though Mommsen expresses his opinion to the contrary (*Zeitschrift für Alterthumswissenschaft*, 1846, p. 105). A different question is whether the higher magistrates also were to be no longer allowed to call together the comitia tributa, and to submit rogations to them, in other words, whether the legislative power of the comitia tributa was to be entirely abolished. This seems not to have been the case.

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policy of the senate, that permanent assemblage of men trained by long experience of official life to discover and apply sound maxims for administering and governing the state. The shocks and oscillations which the republic had experienced since the time of the Gracchi had been the consequence of an abandonment of the ancient order which insured the predominance of the senate in all state affairs. Impetuous demagogues had recklessly thrust aside the authority of the senate, which rested not on law but on constitutional usage, and had appealed to the sovereign people in order to carry their revolutionary plans. If instead of adopting this process they had been able or willing to effect a reform of the senate itself; if they had placed this political body on a broader popular basis by breaking through the barriers of the ruling nobility and opening the senate for admission of the best men from the number of the old citizens and the Italian allies, if by doing this they had put an end to the flagrant abuse which the ruling class carried on with the monopoly of government, it might have been possible for the old republican constitution to draw from new and deeper roots renewed internal vigour, and either to escape or to weather the storms of the revolution which were approaching. But no reform of the kind was made. We have no evidence to show that the democratic leaders ever thought of the possibility of an expansion of the senate into a body commensurate with the vastly expanded Roman people. The democrats did not wish to transform and improve the senate; they looked upon it as a hostile power, which it was their duty to attack, to weaken, or even to destroy, for the benefit of the unrestrained power of the people. They had implicit faith in the moral superiority of the people over the nobles, and in their ability to direct the government of the republic with wisdom and without selfishness; a fatal error which it was Sulla's undeniable merit to combat. He saw that the pretended government of the people was nothing else than the government of the people's leaders, who, to secure and

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retain the popular favour, had to flatter and feed their supporters and to sacrifice to their own necessities the interest and the resources of the state. Sulla was determined therefore to re-establish the authority of the senate, as essential for that form of government which he considered as the best for Rome. He never designed to set up an arbitrary monarchical ruler, whether dictator or tribune; he disdained to make his own personal power perpetual and thus put an end to the republic, but he was honestly and loyally intent on restoring the pure and genuine constitution of republican Rome. To obtain this object he proposed to avail himself of the restoration of the senate and the enlargement of its constitutional rights, as the only means that held out a promise of success.

Reconstruction of the senate.

The first thing to do was to raise the number of senators to the normal standard. In the course of the civil wars the senate had suffered more in proportion than any other class of the community by the vindictive spirit of hostile parties. It was now much reduced in numbers, even if it be true that in the year 88 B.C. it was completed to its usual proportions according to Sulla's intentions.[1] Sulla now proceeded to reconstitute it, and he adopted a principle totally at variance with the usual manner in which the Roman censors used to draw up their senatorial lists. He hit upon a mode of selecting the supreme deliberative assembly which shows that he was a statesman of real genius, and which at the same time causes some surprise that he did not go one step further towards the discovery of the modern representative principle.

Representative character of the Sullanian senate.

The manner in which hitherto the senate was reconstituted every five years by the censors amounted in reality to a process of co-optation. The censors, who were always among the oldest members of the senate, were so identified with the spirit and being of that assembly, in which they had spent their whole political life, that even though they

[1] This is, however, far from certain. See above, p. 239.

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apparently had full power to act on their own responsibility in drawing up the senatorial lists, they took in reality the sense of the senate, and nominated only those men of whom they knew that they would be acceptable to the majority. A certain number of newly elected magistrates had a legal claim to be added to the list of senators at each successive census. These men, we might thus almost say, owed their senatorial dignity not to the censorial nomination but to popular election, and they might virtually be regarded as representatives of the people in the senate, which itself became by degrees a sort of representative body. Yet the principle of popular election as the title to a place in the senate was never directly admitted. Election to magisterial office conveyed only a preliminary qualification which was not even indispensable, and the nomination by the censors alone imparted the full rights and title. Now it was Sulla's merit to develop the existing imperfect and rudimentary system of popular election into some sort of representative government. He was not bound to deviate in his reorganization of the senate from the method adopted by Q. Fabius Buteo in the Hannibalic war.[1] He might, by virtue of the full powers entrusted to him by law, have selected the men he thought fittest without asking anybody's opinion. But he adopted the process of popular election, causing every Roman tribe to designate a certain number of persons from the order of knights, for the filling up of the vacancies in the senate.[2] For the first time[3] since the establishment of the republic the tribes were called upon to elect a certain number of men each, not for the discharge of functions

[1] Vol. ii. p. 286.

[2] Livius, 89: Senatum ex equestri ordine supplevit. Appian, *Bell. Civ.* 1,100: *αὐτῇ δὲ τῇ βουλῇ διὰ τὰς στάσεις καὶ τοὺς πολέμους πάμπαν ὀλιγανδρούσῃ προσέταξεν ἀμφὶ τοὺς τριακοσίους ἐκ τῶν ἀρίστων ἱππέων ταῖς φυλαῖς ἀναδοὺς ψῆφον περὶ ἑκάστου.*

[3] A germ for the principle of election of representatives is contained in the lex Plautia, according to Asconius ad Cic. *p. Cornel.* fr. 27: Ex ea lege tribus singulæ ex suo numero quinos denos suffragio creabant, qui eo anno iudicarent. Comp. also vol. iv. p. 123, n. 3.

within each tribe like ward officers, but to act for the whole body of the people in its corporate capacity. Sulla used the tribes as electoral districts for the nomination of men destined to represent these districts in a body, which owing to this constitution was in reality a body representing the nation, and which might have been used in all matters of legislation to act in the name of the unwieldy mass of the Roman citizens.

Defects of Sulla's statesmanship.

But the great conception of Sulla's genius was too novel and revolutionary for his contemporaries and successors. Sulla shared the fate of other reformers who were too far in advance of their time. Perhaps it was a mistake of Sulla, as in modern history it was a mistake of Cromwell, that he tried to anticipate reforms for which his age was not yet prepared. It is the task of a statesman to attempt only what can be realised; he must make concessions to ignorance and even malice, if he cannot avoid it. Yet we cannot refuse our admiration, or at least our respect, to the political and religious reformer, even though he should come before his time, and for this reason fails in his endeavours.

In one respect Sulla seems to have been unable to rise above the prejudices of the Roman people and his own, inasmuch as he did not make it a rule that a certain proportion of senators should be selected from the Italians who had lately become citizens. Such a measure as this would have contributed to the creation of an enlarged and invigorated Roman people, it would have poured new blood into the veins of the commonwealth, and it would have secured to the state some compensation for the losses which the terrible civil war had caused.

Mode of electing the senators.

The precise mode in which the election of the senators was to be effected by the people is not accurately stated. But it seems probable that the election was intended not to take place in the comitia of centuries, although these comitia like those of the tribes were based upon the thirty-five tribes, and though the election might therefore have been so arranged that each

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tribe should elect a certain number of senators. The comitia of centuries were specially charged with the election of the higher magistrates only, not of the lower. The latter were elected in the comitia of tribes, and it is therefore most in accordance with the usual course and practice to suppose that the senators, who naturally ranked in personal dignity with the lower magistrates rather than the higher, were also elected in the comitia of the tribes. Perhaps it was so arranged that each of the thirty-five tribes was made to elect a proportionate number.[1] Practically the comitia of tribes continued after Sulla to exercise the right of electing the senate; for as the number of the lower magistrates was now considerably increased, and as these magistrates after a certain time all entered the senate by right of their office, and in fact made up the senate, the new constitutional practice amounted to this, that the senate was to be henceforth always constituted by popular election in the comitia of tribes.

4. *Magistrates and Priests.*

Laws regulating the election of consuls.

The conservative spirit of the Sullanian reform is nowhere more apparent than in the new organization of the great offices of state. In the main, the principles and practice of the old republic were preserved or revived. Neither Sulla nor any other Roman statesman ever conceived the idea of abolishing or in any way altering the annual duration of office, or the division of the consulship between two colleagues. We might perhaps imagine that a single chief magistrate, elected for four or five years, might have appeared to a man like Sulla a more rational and effective form of the executive than the annually changing and divided consulate. He had himself experienced how troublesome and obstructive a colleague could be, and how completely the short duration of office prevented a man at the head of affairs from carrying comprehensive measures on a large scale. Nevertheless he allowed the consulship to remain the supreme republican office in the

[1] Appian, *Bell. Civ.* 1, 100.

form which it had hitherto retained. His innovations affected only matters of detail, leaving the kernel and character of the old office untouched. He re-established the strict order of the lex Villia, which fixed a certain age for the candidates for every office, from the quæstorship upwards to the consulship. He also re-enacted the law of 342 B.C., which prescribed that ten years should intervene before the same man should be a second time elected to the consulship. He also made the previous discharge of the prætorship a condition compulsory for those who wished to become candidates for the consulship. The ædileship, which he had passed over himself,[1] was not to be in future a necessary step in the official career.[2]

Increase in the number of prætors and quæstors.

With the growth of the Roman republic, the increase of the number of provinces, and the multiplicity and importance of public business, especially in the department of justice, the number of annual magistrates had not kept pace. Instead of increasing their number the senate, as the supreme council of government, had been content with continuing the power of certain magistrates beyond their year of office under the form of proconsulships and proprætorships, and with employing the same magistrate in several distinct departments. This practice was in the main preserved by Sulla; only the prodigious growth of the republic was so far taken into consideration that the number of prætors was increased to eight,[3] that of quæstors to twenty.[4]

Authority of the senate over all magistrates.

In distributing the public business among the various magistrates Sulla established the rule that consuls and prætors were not to leave Rome or Italy during their year of office, but to discharge in it judicial or other civil functions, and that after the first year they should be sent

[1] Above, p. 229.

[2] As the ædiles were expected to amuse the people with public games, this office was practically closed to all but men of great wealth, and if the higher offices had been accessible only to those who had passed through it, they too would have remained a monopoly of the rich. It was therefore a wise measure that struck out the ædileship from the list of magistracies essential in the career.

[3] Mommsen, *Röm. Staatsrecht*, ii. 1, p. 182, n. 2. [4] Tacit. *Annal.* xi. 22.

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into the provinces with military commands. Yet he placed all decisions with reference to the employment of magistrates in the hands of the senate, giving thereby to this body an immense power, sufficient to make every individual magistrate respect and dread its authority. The senate might refuse to entrust prorogued and military power to a magistrate, and thus it kept in its hands the supreme direction of affairs. The greatest danger to the permanence of the power of the nobility, and in fact to the republican form of government, lay in the provincial commands, which, as in the case of Sulla himself, might make a general the absolute master of the state. By placing these military commands under the control of the senate, Sulla hoped to restrain the dangerous ambition of men entrusted with a power beyond that which could be accorded to any servants of a free state.

The ædiles and censors.

The office of the ædiles, plebeian as well as curule, was left unchanged by Sulla. The censorship was not formally abolished, but it seems that Sulla intended it to fall practically into disuse, which was the more easy as the office was not annual, nor strictly periodical. There had been frequent irregularities in the appointment of censors. It had been often delayed for temporary considerations of opportunity, and some of the duties of the office had always been discharged by other magistrates during the period of three years and a half which usually elapsed between the close of one census and the election of new censors. As Sulla had transferred the election of senators to the tribes, he may have provided, in some way not recorded, for the renewal of the list of knights and the revision of the roll of citizens, so that the election of censors could be altogether dispensed with.

The pontiffs and augurs.

The sacerdotal collegia of pontifices, augurs, and keepers of the Sibylline books were enlarged, probably for no other reason than to increase their dignity and to develop the functions of these offices in proportion as the state itself had grown.[1] But Sulla abolished the

[1] Livius, 89

innovation of the democrats, who contrary to the spirit of the divine law, which ought to have regulated the religious institutions, had transferred the sacerdotal elections to the people. He abolished the lex Domitia of the year 103 B.C.,[1] and restored the right of co-optation to the priests.[2]

Resolution of Sulla to cut down the power of the tribunes.

All these changes were slight; but there was one office which Sulla had marked for a fundamental reform. This was the tribuneship, which he considered not without reason the principal instrument of the democrats for subverting the long-established rule of the nobility. The tribuneship had in truth become obnoxious and injurious not only to the nobility, but to the peace, order, and security of the state. It had long ceased to be what it was originally established for, and what it had been for a long time. No longer needed for the legal protection of the plebeians, the tribunes had joined hand in hand with the nobility. They had become the willing tools of the senate. With their aid the senate had controlled the popular assembly and conducted the whole administration of the republic.[3] But when a rupture had taken place between the senate and the tribunes, under Tiberius Gracchus; when the tribunes employed their influence in the comitia of the tribes no longer in the service of the senate but in opposition to it; when suddenly they beheld themselves invested with a power which made them the masters of legislation and government, and when they began to terrorise the leaders of the aristocracy and the whole state in the name and for the benefit of the sovereign people, no alternative remained but either to develop the office of tribunes to its natural goal, the monarchy, or to limit it to the original functions for which it was established, the legal protection of the people from the abuse of magisterial power. In the struggle which was produced by the two opposite tendencies, Sulla remained victorious. It was natural that he should avail himself of his victory for cutting down and curtailing the tribune-

[1] Above, p. 120. [2] Dio Cass. xxxvii. 37. [3] Vol. iv. p. 169.

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ship, so that it might not have another chance of tyrannizing over the nobility and preparing the way for absolute government.

Interference with the comitia of tribes.

No Roman statesman could conceive the idea of abolishing outright an office which had been for so many years an essential part in the republican organism; for it was a characteristic feature in the political practice of the Romans, never to allow any old institution, even after it had ceased to be of real service, to drop out of sight. Instead of simply abolishing, they preferred to transform and modify, or to turn what was old and worn out to new uses. A modern politician in Sulla's place would have been tempted to cut down the tribuneship to the root. Sulla contented himself with lopping off the over-luxuriant branches and reducing it to more modest dimensions, so that, without losing its use in the political order, it might cease to be a disturbing element. The reduction of the power of the tribunes was an essential part of Sulla's policy in so far as it was directed to limit the legislative functions of the comitia of tribes. These comitia were the domain in which the tribunes had reigned supreme; they supplied the means with which the tribunes had carried their measures. The limitation of the one implied that of the other. As soon as the comitia of tribes were no longer all-powerful, the ground was taken away from under the feet of the tribunes.

Crippling of the tribunician power.

How far Sulla went in the limitation of the tribunician authority we cannot tell with accuracy. According to Velleius[1] he left the tribunes only a shadow of their former rights.[2] Cicero[3] praises Sulla for having taken from the tribunes the power of doing harm to the community, whilst he left them that of giving their aid and protection. All these expressions are vague and general.

[1] Velleius, ii. 30: Hoc consulatu Pompeius tribuniciam potestatem restituit, cuius Sulla imaginem sine re reliquerat.

[2] Appian, *Bell. Civ.* 1, 100: *τὴν δὲ τῶν δημάρχων ἀρχὴν ἴσα καὶ ἀνεῖλεν ἀθενεστάτην ἀποφήνας.*

[3] Cicero, *De Leg.* iii. 9, 22: Quamobrem in ista quidem re vehementer Sullam probo, qui tribunis plebis sua lege iniuriæ faciendæ potestatem ademerit, auxilii ferendi reliquerit.

Livy[1] on the other hand says, with more precision, that Sulla took from the tribunes the right of proposing laws.[2] This right was the most important of all. It had been the means with which the Gracchi and their successors had unsettled all the existing political and economical order of the state. Being deprived of this right, the tribunes would be no longer dangerous. They were at the same time disqualified from terrorising their political opponents by criminal prosecutions before the popular assembly. It seems that they even forfeited the right of speaking to the people assembled in contiones or public meetings.[3] The right of intercession alone cannot have been withdrawn from them, as without it they would have had no means at their disposal for giving effect to their legal protection, without which their office would have been an empty name. They must have preserved the right of stopping by their intercession the official acts of the magistrates; while they lost that of arresting decrees of the senate, preventing legal decisions, or votes of the popular assembly whether electoral or legislative, and the power of throwing magistrates into prison or fining them. Sulla could not possibly leave these formidable powers in the hands of the tribunes; for they would have enabled them in a short time to regain all that they had lost.[4] He drew certain limits for the exercise of the tribunician intercession, and imposed heavy penalties on any attempt to transgress these limits.[5]

[1] Livius, 89: Tribunorum plebis potestatem minuit et omne ius legum ferendarum ademit.

[2] There is no reason to doubt the accuracy of Livy's expression. Yet Mommsen (*Röm. Staatsrecht*, ii. 1, 287) assumes that the right of bringing in laws was not absolutely taken from the tribunes, but only made subject to the previous approval of the senate.

[3] Cicero, *p. Cluentio*, 40, 110.

[4] Cæsar (*Bell. Civ.* 1, 5, and 7) asserts that Sulla had left to the tribunes the right of intercession (intercessionem liberam reliquisse). This sweeping assertion is evidently a rhetorical exaggeration which Cæsar made to justify his own proceedings. Comp. Becker, *Röm. Alterth.* ii. 2, 289. Mommsen is of opinion that Sulla, though he perhaps limited the tribunician intercession, left it on the whole untouched. *Röm. Staatsrecht*, ii. 1, p. 282, n. 2; p. 283, n. 1.

[5] Cicero, *in Verr.* 1, 60, 155.

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Degradation of the tribunician office.

A still heavier blow against the tribuneship than the limitation of its functions and powers was dealt by the rule, that nobody who had discharged that office should be capable of being elected to the higher magistracies.[1] By this restriction the office of a tribune was deprived of almost all its weight and dignity, and marked as one which no man of high birth, ability, self-respect, and ambition would condescend to discharge. This invidious rule was not the restoration of an old constitutional principle or practice, but an innovation which was in direct opposition to the spirit of the constitution and the habits of the Roman people. Since the disabilities of the old plebeians had been abolished, it had been the invariable rule that no Roman citizen should be debarred from aspiring to the highest offices of state. The nobility, it is true, tried to reserve for themselves exclusive possession of the chief magistracies; they jealously tried to keep out 'new men,' but they never attempted to exclude them by law, and so the meanest peasant's son who served in the legions saw no legal obstacle before him which could have barred his road to the tribuneship and the consulship. The greater a man's ability the less was he satisfied with remaining for ever in the lower ranks of the public service. It was therefore a shrewd design of Sulla to warn off every man of public spirit and high aspirations from an office which would for ever arrest him in his career. If the new restriction could have been maintained, the tribuneship would certainly have been sought only by men of the lowest stamp, and it would have ceased to give any uneasiness to the conservative statesmen of Sulla's school.

5. *The Courts of Law.*

Contention about the composition of the courts of law.

The contention about the selection of the judges for the courts of law had never ceased from the time when C. Gracchus had deprived the senators of the office, and installed the knights in their place. Several attempts

[1] Appian, *Bell. Civ.* 1, 100.

had been made to restore the senators to their old functions, or to establish mixed tribunals consisting of senators and knights, or even to select the judges from the whole body of citizens. These attempts had either failed altogether or had only produced temporary results, so that Cicero, glancing over the whole period, was entitled to say that from the time of C. Gracchus to the time of Sulla the knights had been in possession of the office of judges.[1]

Restoration of judicial functions to the senators.

The equestrian courts had by no means answered the ends of justice. On the contrary, they had been even more corrupt than those which they superseded. They had moreover widened the divisions in the community, and contributed to raise the equestrian order to a powerful and overbearing position. The knights soon showed that in the exercise of practically irresponsible power they were even less restrained by principles of moderation and equity than the old nobility. Sulla, as the champion of this nobility, hated them cordially, for he could not but look upon them as the worst enemies of that ancient order of things which the democrats had overthrown, and which it was now his great object to restore. But here, as in other departments of his constitutional reorganization, he had to deal with accomplished facts, which with all his authority he could not ignore. As he could not exclude from the Roman franchise the thousands of Italians who had gained admission by a long and heroic struggle, so he could not entirely deprive the great and influential class of the knights from the political privileges they had gained. He was obliged to adopt a compromise, however much it might go against his feelings and predilections. This was the reason which suggested the wise resolution to fill up the senate from the ranks of the knights.[2] To a new senate thus constituted he could safely entrust the administration of justice, and he hoped in this manner to close the obstinate contention, satisfying the reasonable demands of both parties, and securing a better administration of justice by the control which

[1] Above, p. 118, n. 1.

[2] Above, p. 406.

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each class would exercise over the other. By the continual absorption of the best elements of the equestrian order into the senate the existing rivalry might be expected to disappear, the nobility to be invigorated and renewed, and the senate to become more and more fitted for the great task which Sulla destined for it, of resuming the supreme government and the control of all public affairs.

Regulation of procedure in the courts of criminal law.

On this basis Sulla proceeded to complete the detail of his new organization of the judicature by developing the system which had of late gained ground. The courts of selected judges or jurymen had more and more taken the place of the old judicial assemblies of the whole people; being used at first side by side with them, then exclusively for the trial of certain classes of offences. Sulla now increased their number, and thus established a regular permanent order for criminal procedure destined in the end entirely to supersede the rude irregular practice of the original popular tribunals, which had long been proved to be incompatible with anything like judicial calmness and impartiality. The assemblies of the people for judicial purposes were not formally abolished, but they were practically set aside by the new organization. Sulla, by increasing the number of prætors to eight, was enabled to establish several permanent courts for the trial of public and private offences of different kinds under the control of six of them, leaving two prætors for the trial of civil suits. He laid down minute rules for the procedure in each court, and for the first time regulated the criminal law according to fixed principles, in a way which raised it to some sort of equality with the civil law, which alone had been systematically cultivated since the time of the decemviral legislation.

Permanence of Sulla's judicial reforms.

Thus Sulla laid a new foundation in the department of criminal law and criminal procedure [1], whereby he con-

[1] The detail of the criminal legislation of Sulla belongs properly not to a political history like the present, but to a special history of the Roman law. Of the several laws the best known are the lex repetundarum, lex de maiestate, lex de sicariis et veneficiis, lex de falsis, lex de peculatu, lex de adulteriis et pudicitia, lex de iniuriis.

ferred a lasting benefit on Rome. Up to his time all criminal procedure in Rome was at the mercy of momentary impulses and political party spirit. The guarantees against injustice which lie in the observation of strict rules were hardly appreciated. Sulla was not able at one stroke to substitute a new system, free from all political and social non-legal influences; but he did at least lay the foundation of such a system. All his constitutional changes were more or less modified, if not entirely abolished, after his death, but for Roman criminal law his legislation continued to be the groundwork as long as the Roman empire itself endured.[1] This fact alone suffices to place Sulla among the greatest statesmen of antiquity, and to shield him from the reproach that he pursued only selfish ends for his own aggrandisement.

Sulla's sumptuary laws.

Undue importance, as we have often had occasion to remark, was attached in Rome to laws which with the object of improving the morals of the people were directed against the extravagance of private persons in their mode of living. Sumptuary laws which prescribed the dress and ornaments to be worn, the number of dishes to be put on the table on common days and on days of festivity, had been enacted over and over again, of course without producing any effect either directly upon the economical position or indirectly upon the morality of the people. We might be disposed to think that so shrewd an observer as Sulla would have seen the futility of all attempts even to enforce such laws, without taking into account their total inefficiency to raise the standard of public virtue. Besides, we should have expected that he would have felt hardly qualified to enforce morality, as his own private life was far from being a pattern of simplicity, abstemiousness, and austerity. Nevertheless he either did believe or feigned to believe in their efficacy, and included new sanctions of them in his legislation.

Another set of laws which regulated the responsibility of the magistrates were of incomparably greater import-

[1] Comp. Zachariæ, *Sulla*, ii. 21.

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ance for the new departure which in Sulla's plan the republic was to take with his reform. The responsibility of the magistrates had been established with the republic itself. It was in fact the principle upon which the republican form of government was based. To carry it into effect the term of office had been limited to short annual periods, after the lapse of which the magistrates might be summoned to answer for their official acts. During the period of contention between the patricians and plebeians the tribunes of the people had several times availed themselves of this important constitutional guarantee of liberty by indicting ex-magistrates before the popular assembly.[1] At a later period, when the Roman nobility was in the secure possession of power, and the senate as supreme arbiter of all political acts kept the various administrative officers under a close surveillance and control, the magistrates could scarcely venture to go beyond their powers. If they should prove refractory, the senate generally found means by advice or threats to make them submit to its authority. It was not in the interest of the nobility to put prominent members of its body on their trial before an assembly of the people. No law existed in which it was distinctly stated which official acts of the magistrates were to be regarded and punished as violations of constitutional rights. An old law dating from the time of the kings which was directed against treason (perduellio) seemed a sufficient guarantee for the liberty of the Roman citizen and the safety of the republic; for every illegal act of a magistrate, like every breach of the peace, could in case of necessity be regarded as an attack upon the welfare of the state, and the perpetrator could be prosecuted as a perduellis or public enemy.

Principle of the responsibility of magistrates.

The first step in the direction of placing the acts of magistrates under the control of a special law was made by the lex Calpurnia of 149 B.C., which established the courts for punishing extortion in the provinces.[2] This

Dangers involved in the vast powers of Roman magistrates.

[1] It is very curious that the Latin language, which is very poor in terms of public law, has no perfect equivalent for the Greek εὐθύνη.

[2] Vol. iv. p. 132.

was before the power of the nobility had been broken by the Gracchi, and at a time when they could still curb the ambition of any individual who might presume to defy the law. But after this period, when the senate had been stripped of much of its power and of more of its prestige, when the magistrates looked less upon the goodwill of the senate and more upon that of the people, it became more and more apparent that the vast powers with which the magistrates had hitherto been trusted, especially in the command of armies and the government of provinces, might be used to subvert that equality of right, and that regular alternation of ruling and obeying, which was the essence of the republican constitution.

Sullanian *lex de maiestate.*

These dangers Sulla laboured to avert by his organization of the magistracies and the provinces, as also by the restoration of the old authority of the senate. His penal laws, though they contained no comprehensive system of magisterial responsibility, just touched this important point. It was especially his law *de maiestate* which was directed to place the magistrates under an effective public control.

Recent introduction of this law. Changes enacted by Sulla.

The *lex de maiestate* was of recent origin. It dated from the commencement of the Marian disturbances, in the year 103 B.C., when Appuleius Saturninus was tribune for the first time. Shortly afterwards, in the year 92 B.C., the law had been renewed and made more comprehensive by the lex Varia of the tribune Q. Varius Hybrida.[1] In its first vague and elastic form the law could be applied to every illegal act by which the commonweal might be thought to be endangered. Sulla made its wording more precise, and directed its provisions more distinctly against the dangers to which the republic was exposed by the military power of the magistrates. It had of late become very clear from the proceedings of men entrusted with military commands, that the extensive powers which it was necessary to entrust to provincial governors supplied the means for the overthrow of the republican constitution.

[1] Above, pp. 150, 188.

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The wilfulness, obstinacy, and insubordination of Manlius Vulso,[1] Popillius Lænas,[2] of C. Junius,[3] of L. Cassius,[4] and many commanders in the Spanish wars had been most troublesome to the government, and they certainly pointed out from what side the danger for the nobility and the republic might come. But more than the waywardness of these men, the example of Sulla himself had shown that a man at the head of a large and devoted army might, if he chose, defy the orders of the senate and act as sole master of the state. Sulla did not wish his example to become a precedent for others, perhaps less loyal to the republican institutions than himself. His law *de maiestate* imposed a penalty on the provincial governor who should not leave his province within a certain limited period after the arrival of his successor;[5] who should not keep within the limits of his province, or who should even venture to pass beyond it with an army; who should carry on war without being authorised to do so by the senate and people, who should invade the territory of an independent foreign prince, or try to seduce an army from their allegiance to the legitimate commander.[6] The law most probably, like all general laws of the kind, contained a great number of clauses to provide for every possible contingency. But though we do not know them, we are not in uncertainty about the tenor and tendency of this part of Sulla's legislation. We perceive clearly that by it the victorious party leader wished to erect a barrier which should restrain others from imitating his own example and from making themselves masters of the republic. The law was well contrived, and as good as a law can be. But one thing was wanting, the firm purpose, and still more

[1] Vol. iii. p. 163.
[2] Vol. iii. p. 202.
[3] Liv. xli. 7.
[4] Vol. iii. p. 224.
[5] It seems as if this and other clauses had been suggested by Sulla's own acts.
[6] Cicero, *Ad Famil.* iii. 6, 3 and 6; *in Pison.* 21, 50: Exire de provincia, educere exercitum, bellum sua sponte gerere, in regnum iniussu populi ac senatus accedere; quæ cum plurimæ leges veteres, tum lex Cornelia maiestatis, Julia de pecuniis repetundis planissime vetant.

the firm hand, to carry it effectually into execution. No long time elapsed after Sulla's death before the republic was overwhelmed by those very dangers which Sulla had hoped to avert by his legislation.

General inefficacy of Sulla's legislation.

On the whole Sulla's laborious work of reorganization contained but few germs likely to prosper and to bear fruit at some future time. It was a restoration on the grandest scale, an attempt to revive what was dead and gone, and at the same time to stint the growth or to uproot institutions which were congenial to the time and season. Such an attempt was doomed to fail, the more so as the reformer was not supported by able coadjutors, and as the party on which he relied and for which he worked was degenerate and unequal to its task.[1] Sulla's fundamental ideas were correct. The republic could be preserved only if the senate was placed at the head of the government, and if the democratic element, the masses of the Roman people assembled in the comitia and guided by the tribunes, were made subordinate to a select assembly of the best men. But the historic development of the Roman state was tending with irresistible force towards the establishment of monarchy. The senatorial authority therefore, which stood in the way, was the object of attack on the part of all who aimed at the establishment of monarchical power for themselves or others. At the same time it was well understood that the tribunician power and the support of the popular assemblies were necessary for attaining the same object. Thus the work of Sulla could be but a temporary dam to keep out the rising flood of monarchical despotism. It gave way as soon as the man who had raised it had ceased to breathe.

[1] Drumann (*Gesch. Roms*, ii. p. 481) says: 'Sulla ought to have educated the nobility. Their moral regeneration would have given new strength to the political institutions.' No doubt it would. Unfortunately no legislator has ever been able to effect a 'moral regeneration,' and it is rather hard upon Sulla to blame him for not doing what it is impossible for laws to do.

CHAPTER XXII.

THE SECOND WAR WITH MITHRIDATES. 83–82 B.C.

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When peace had been concluded with Mithridates in 84 B.C., and the affairs of the province of Asia had been settled, Sulla had hastened to return to Greece and thence to cross into Italy. But there was a good deal still to be done in Asia for which he had no time. He had therefore left his subordinate Lucius Licinius Murena in Asia with the two legions which had been commanded by Fimbria. Murena was a devoted friend of Sulla; he had served under him in Greece and had shown considerable military abilities. But he seems not to have been fit for an independent command such as was now entrusted to him, and the troops of Fimbria, mutinous and unruly from the beginning, were no doubt very little improved by the additions which they must have received from time to time from military adventurers in Asia. Sulla on leaving the East did not anticipate that Murena would have any occasion to test the character of these troops in any serious warlike action. Hostilities were at an end, and a formal peace had been concluded. No new attack was to be apprehended from Mithridates; for his kingdom was very much exhausted by the disastrous war he had waged, and in some parts of it there were alarming signs of discontent and danger of rebellion.

Purpose of Sulla in leaving L. Licinius Murena with two legions in Asia.

Murena therefore might safely have devoted himself to the peaceful task of completing the internal reorganization of the province of Asia. But he was too ambitious to be satisfied with such unostentatious labour. He coveted the honour of a triumph, and his troops longed for license and plunder. He was bent therefore on find-

Determination of Murena to renew the war with Mithridates.

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ing a pretext for a new war. The Sullanian law *de maiestate* was not yet passed, which made it penal for generals to leave their province, to invade adjoining territories, to pursue a policy of their own irrespective of orders from home, and to carry on war on their own account. All this, no doubt, Murena thought himself entitled to do by the example of Sulla himself. He had no reason to fear the disapproval of the authorities at home, for during the civil war they had no chance of occupying themselves with the affairs of a distant province. He therefore sought, and of course easily found, a pretext for renewing the war with Mithridates.[1]

Execution of the younger Mithridates by his father.

After having concluded peace with the Romans, Mithridates had directed his attention to the restoration of order and obedience in some outlying dependencies of his kingdom. It seems that one of his sons, who bore his own name of Mithridates, had been sent by him to govern the land of the Colchi, between the Caucasus and the Euxine, and that this young prince was so popular with the people of that country, or so ambitious of independent rule, that the king recalled him, and, as we hear to our astonishment, caused him to be put to death.[2] Our authorities do not give us sufficient data for unravelling the complications of intrigue and crime which led to such a catastrophe in the family of a king so far above the usual run of Oriental despots. We cannot decide whether the brave young prince, who seems to have faithfully served his father, all at once turned traitor, or whether misfortune had made the latter suspicious and unjust.

Archelaus takes refuge with Murena.

We are still more puzzled by the sudden change in the conduct of Mithridates towards his old and trusted servant Archelaus, who had deservedly stood so high in his confidence, and had but lately negotiated the peace with Sulla. The charge which was brought against him

[1] Appian, *Mithrid.* 64.

[2] The similarity pointed out above (pp. 250, 252) between Mithridates and Peter the Great of Russia is borne out by this domestic tragedy, which has an analogy in the execution of Peter's son Alexis.

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is too absurd to be seriously discussed. It is said he was suspected of treason because he made too great and unnecessary concessions to Sulla in the conclusion of peace. Such a charge might perhaps have been made, if Mithridates had wanted a pretext for renewing the war. As it was, nothing could be more inconvenient to him than new complications with Rome just at this time, when he had enough to do with reducing the Colchians and the Bosporians to obedience. The real cause of the disgrace of Archelaus is therefore unknown. Perhaps he was implicated in the alleged treasonable designs of the king's son, or he disapproved of the king's severity. He could of course expect nothing at his hands but the same fate, and he took refuge in the Roman province with Murena.

Miscalculation of Murena.

The pretext for war which Murena was looking for, he found in the preparations which Mithridates was making on a large scale for an expedition against the revolted Bosporians. He affected to believe that they were made against Rome, and he complained that Mithridates had not restored all parts of Armenia to Ariobarzanes, the Roman client king. Most inconsistently Murena denounced this as a breach of the terms of peace, whilst he maintained that in reality no peace had been concluded, because Sulla and Mithridates had not drawn up the terms in writing. But inconsistencies of this kind seem not to have troubled Murena, who thought he had power enough at his disposal to prove his right by the issue of arms, and who reckoned besides on the domestic difficulties of the king. In both respects he was grievously mistaken. The Fimbrian soldiers may have been keen and experienced plunderers, and no doubt distinguished themselves in this line, when Murena had led them to Comana, where a celebrated old temple was to be ransacked of its treasures; but serious military operations against an able opponent could not be ventured upon with such troops. Murena accomplished nothing beyond plundering and devastating four hundred townships.

Mithridates, it is clear, had expected no attack, and

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was entirely unprepared. He sent messengers to Murena to expostulate on account of the breach of the peace. When he was told that Murena denied the conclusion of a formal peace, he sent ambassadors to Rome and presented his complaints before the senate, and at the same time before Sulla. He was in a hazardous dilemma, as he did not know whether Sulla or the senate represented the power and authority of the Roman people. The two were still at war with each other, and it depended on the issue of that as yet undecided war, whether the decision which Mithridates might receive from either party would be finally valid.

Complaints of Mithridates.

The first answer that reached Mithridates seems to have come from the senate.[1] It was unfavourable to Murena, charging him to acknowledge the peace concluded, and to leave Mithridates unmolested. But besides this open answer the Roman ambassadors seem to have been charged with a second and a secret message to Murena, containing instructions in pursuance of which he continued his hostilities.

Reply of the senate.

Being thus driven to extremities, Mithridates prepared to resist force by force. He sent his faithful general Gordius against Murena on the river Halys, advanced immediately afterwards himself with a considerable army, attacked Murena, defeated him with great loss, and compelled him to retreat with all haste into Phrygia. This rapid and brilliant victory quickly changed the aspect of

Defeat of Murena by Mithridates.

[1] Appian's expressions (*Mithrid.* 65) are not sufficiently distinct to make this quite certain, but they seem best to agree with the probability expressed in the text. Appian says that Mithridates 'sent to Rome, to the senate and to Sulla.' Then he goes on to relate that the messenger despatched from Rome to Murena in Asia did not bring him a formal senatorial resolution (ψήφισμα), but a verbal message, which he delivered with a loud voice, so that many heard it, to the effect that the 'senate' ordered him to leave the king in peace. It seems to be absolutely certain that the ambassadors of Mithridates reached Rome before Sulla's victory. The senate referred to must therefore have been that in which the Marian party were uppermost, unless we suppose that the opposition senate in Sulla's camp is meant. It is easily understood that Murena, as Sulla's officer, paid no attention to the orders of a senate which represented the opposite party. Later on, when Sulla despatched Gabinius to him with orders (ch. 67), he obeyed immediately.

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affairs. It restored the shaken authority of Mithridates in his dominions; disaffection was punished, the revolt was crushed. Mithridates, with genuine Oriental pomp and ostentation, celebrated his victory by a grand national festival, entertaining his troops at a general banquet, and lighting a huge fire on the summit of a high mountain, in which, according to national custom,[1] milk, honey, wine, oil, and incense were burnt as a thankoffering to the gods, whilst it blazed forth his victory for thousands of stadia round about. At this time Aulus Gabinius arrived in Asia with Sulla's orders to Murena to break off hostilities, and with the commission to act as mediator between Mithridates and Ariobarzanes of Cappadocia. If a proof were wanting of the peaceful disposition of Mithridates, and of Murena's groundless charges against him, it is furnished by the readiness with which now after his signal victory he acceded to Sulla's request and concluded peace. One of his daughters, only four years of age, was betrothed to the king of Cappadocia, and the disputed boundary districts were formally ceded to Mithridates. Murena returned into Italy, and had the face to ask for a triumph, which Sulla, whether from weakness, or personal friendship, or political considerations,[2] had not the firmness to refuse.[3]

[1] Appian, *Mithrid.* 65: πατρίῳ νόμῳ. [2] Compare below, p. 432, n. 2.

[3] Cicero, though disposed to say everything he could in favour of Murena, could not bring himself to utter more than the faint praise: Mithridatem vehementissime vigilantissimeque vexatum, repressum magna ex parte, non oppressum reliquit.

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CHAPTER XXIII.

LAST YEARS OF SULLA.

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Supremacy of Sulla after the battle of the Colline Gate.

THE great victory at the gates of Rome had decided the civil war in Sulla's favour, and had placed in his hands the means for carrying out his constitutional reform. The defeated party was pursued into its remotest hiding-places. Pompeius hunted it to death in Sicily and Africa. In Spain alone the fugitive Marians rallied and maintained under the able Sertorius a desperate resistance, the end of which Sulla did not live to see. Even in Italy, as we have seen, a few strongly fortified towns held out for a time, and a few desperate men chose war to the death rather than submission. But these isolated instances of obstinacy signified little in the general result, and in no way hindered Sulla in his work of reorganization.

Good fortune and self-reliance of Sulla.

Fortune had crowned all his undertakings, not only those which he had carefully planned and systematically conducted, but also the unpremeditated resolutions taken in pressing danger with audacious confidence in himself; nay, as he was wont to say, success had been more brilliant in the latter. He inclined to attribute this success to the favour of the deity rather than to his own merit,[1] and felt a pride in the consciousness of being the special favourite of the gods; especially of Venus the victorious, to whom in conjunction with Mars he had dedicated his trophies after the battle of Chæronea.[2] When the news was brought to him of the death of the

[1] Plutarch, *Sulla*, 34: *ἀπολογισμὸν ἐν ἐκκλησίᾳ τῶν πράξεων ποιούμενος οὐκ ἐλάσσονι σπουδῇ τὰς εὐτυχίας ἢ τὰς ἀνδραγαθίας κατηριθμεῖτο.*

[2] Venus had the game of chance in her special direction. The best throw at dice was called from her iactus venereus.

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younger Marius, he adopted the name of Felix as a personal surname,[1] and the twins born to him by Metella he called Faustus and Fausta with a distinct reference to his own good fortune. In letters to Greek cities and in the inscription on the trophy of Chæronea he styled himself Epaphroditos, as being the special favourite of Aphrodite, goddess of fortune.[2] This superstitious reliance on the particular favour of a deity, which to a modern observer may appear either daring arrogance or self-conceit, was deeply rooted in the religious feelings of antiquity, whose conceptions of the deity, widely differing from rational monotheism, seemed to bridge over the gulf between heaven and earth, and bring the divine beings human in form and passions definitely near to man. The ancients required no intermediate agents, no tutelary saints or protecting angels, to act for the deity in behalf of them. They could out of the infinite number of gods select their special patrons, friends, or even progenitors. It can scarcely be called a conscious deception of others or of themselves, when Alexander or even Scipio declared that they had direct relations with certain gods, and when whole nations, carried away by admiration for such men, shared this belief. Why should not a king or hero, who after his death was received into the company of the gods, to be worshipped as 'divus,' experience during his mortal life the special favour of the gods?

Sincerity of Sulla's convictions.

Nor was such a belief, if shared by the people at large, without a practical value. It often helped to realise the objects which the favourites of a god had in view. The soldiers who were convinced that the goddess of victory was hovering over a leader's head followed his standards with a blind confidence, and were thus inspired to gain the victory which they thought promised by a god.[3] The

[1] Velleius, ii. 27, 5: De quo iuvene (Mario) quid existimaverit Sulla in promptu est; occiso enim demum eo Felicis nomen assumpsit.

[2] Plutarch, *Sulla*, 34.

[3] Frontinus does not believe in Sulla's sincerity. *Strategem.* i. 11, 11: L. Sulla, quo paratiorem militem ad pugnandum haberet, prædici sibi a diis futura simulavit. Postremo etiam in conspectu exercitus, priusquam in aciem de-

knowledge of such practical advantages is apt to lead to conscious fraud, and has no doubt often led to it. But we have no reason to accuse Sulla of such meanness. He was no hypocrite.[1] He was honestly convinced himself, and his conviction was naturally imparted to his soldiers.

Vanity of Sulla.

That a man like Sulla, who cared little for the applause of the vulgar and the opinion of the world, a man who had undertaken a hard struggle not for the sake of titles and honours but for the triumph of a cause and a principle, should nevertheless condescend to accept the usual demonstrations of gratitude and the signs of public approbation which had so often been lavished on unworthy men, would appear strange, and could hardly be understood, if we could think of him as entirely severed from the habits and prejudices of his countrymen. It was a Roman weakness in such a great man that he looked with a jealous eye on the honours of Marius; that he suffered king Bocchus to set up in the Roman Capitol a piece of statuary destined to glorify him and to depreciate the merit of his rival; that in his memoirs he extolled and exaggerated his own exploits and cast a slur on those of others. After his victory he even allowed a gilt equestrian statue to be erected to himself with the inscription 'To the Imperator Cornelius Sulla, the Fortunate.' If he could have divested himself of the prejudices and habits of a Roman, he would perhaps in refusing such paltry signs of approval have acted like the haughty emperor Tiberius; but like Tiberius he would have been misunderstood and reviled for his magnanimity. As far as the light of history penetrates into the beginnings of the Roman republic, we can see that self-glorification was the chief aim and the most ardent passion of the Romans. Their patriotism, their public spirit, nay their avarice, their am-

scenderet, signum modicæ amplitudinis, quod Delphis sustulerat, orabat petebatque, promissam victoriam maturaret.

[1] This is proved by Sulla's memoirs, in which he carefully recorded the prophecies and dreams he had had (Plutarch, *Sulla*, 6, 17, 37); and even advised Lucullus to pay attention to dreams. Plutarch, *Lucull.* 23. Comp. Drumann, *Gesch. Roms*, ii. p. 503.

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bition, and their sensuality, all their virtues and all their vices, are subordinate to vanity. It pervades their public and private life, it guides their actions and their words; it has given a peculiar stamp to their public buildings, their laws, their coins, their monuments, and above all to their annals. It was vanity which converted the triumphal procession from a demonstration of gratitude to the gods into a glorification of individuals, and made this great national ceremony the object of the keenest longing for the most abject as for the noblest of Roman citizens.

Sulla's triumph.

Sulla, too, celebrated his triumph. Even if he had not cared for it himself, he owed it to his soldiers, his partisans, to the town populace, and to the national sentiment. The victory which his triumph was to bring before the eyes of the people had been gained over foreign as well as internal enemies. One half of these successes was left out of sight, for it would have been an insult to the majesty of Rome to lead Roman citizens as prisoners of war in chains through the public streets.[1] It sufficed for the indication of Sulla's civic merits that the citizens restored by him from banishment and exile accompanied his triumphal car and loudly proclaimed him as their saviour.[2] In every other respect the ceremony bore the character of a triumph over the foreign king, whose downfall was equally acceptable to every Roman, whether of one or the other party.[3]

Sulla as second founder of Rome.

Though Sulla forbore to celebrate a triumph over his defeated fellow-citizens, he did not scruple to order the annual celebration of a festival in commemoration of his crowning victory before the Colline Gate, to consist of chariot races and a military procession in honour of the goddess Victoria.[4] He probably looked upon that battle as one fought not with Romans but with Rome's most

[1] Valer. Max. ii. 8, 7: Quamvis quis præclaras res maximeque utiles rei publicæ civili bello gessisset, Imperator tamen eo nomine appellatus non est, nec ullæ supplicationes decretæ sunt, neque aut ovans aut curru triumphavit; quia ut necessariæ istæ, ita lugubres semper existimatæ victoriæ sunt, utpote non externo sed domestico partæ cruore, cet.

[2] Plutarch, *Sulla*, 34. [3] Appian, *Bell. Civ.* i. 101. [4] Velleius, ii. 27, 6.

inveterate enemies the Samnites. He also enlarged the 'pomœrium,' the sacred boundary line of the city which marked the extent of ground within which the auspices could be lawfully taken. This solemn enlargement of the capital was a public recognition of the fact that he had added to the dominion of the republic in Italy. He was thereby formally recognised as the founder of a new Rome,[1] a sort of second Romulus, whom he already resembled as lawgiver and as founder of public games.[2] Independently of the annual festival Sulla celebrated his victory and the conclusion of the civil strife by dedicating to Hercules the tenth part of his property (perhaps we ought to say spoils), and by feasting the whole people for several days so amply and extravagantly that, as is reported, on the evening of every day the remnants of unconsumed victuals were in great quantities thrown into the Tiber.[3]

Disuse of the custom of providing cheap corn for the people.

However, with all his extravagance and liberality Sulla did not forget that the resources of the state had certain limits. He felt that economy must be practised, and that without a well-regulated system of receipts and expenditure no public order could be preserved. Nothing had so much disorganized the finances of the state, and at the same time so demoralized the lower classes, as the gratuitous or all but gratuitous distributions of corn to the town population which had been introduced by the Sempronian *lex frumentaria*. Such laws were the bait by which any demagogue might secure the popular suffrages for revolutionary measures. During the troubles of the civil wars the funds at the disposal of the government had been too much in request for the most urgent necessities of military affairs to leave any surplus for feeding the idle populace. The distributions of corn had accordingly

[1] Seneca, *Dialog.* x. 13, 8: Sullam ultimum Romanorum protulisse pomœrium, quod nunquam provinciali, sed Italico agro acquisito proferre moris apud antiquos fuit.

[2] The comparison between him and Romulus, whether suggested or desired by Sulla, was certainly made, as appears from Sallust (*Histor.* i. 41, 4, Dietsch), where Lepidus is made to speak of him as 'sævus iste Romulus.'

[3] Plutarch, *Sulla*, 35.

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ceased, and Sulla, who looked upon them with disgust, took care not to reintroduce them.[1]

Sulla's theories of taxation.

It was not an easy task to restore order in the finances. The war had consumed all that the leaders could lay hold on anywhere of money or money's worth. The treasures of the temples, no doubt, and whatever of reserve funds or savings was left, were applied to the needs of the moment without any thought of the future. The younger Marius, before shutting himself up in Præneste, had the remnants of the public treasury conveyed into that safe place. In this treasury Sulla found after his victory six thousand pounds of silver and thirteen thousand pounds of gold left. He is also reported to have exhibited in his triumph one hundred and fifteen thousand pounds of silver and fifteen thousand pounds of gold, the proceeds of war spoils brought from Asia.[2] But what did such sums signify at a time when the necessities of the state were extraordinarily high and the economic resources of the people reduced and paralysed by war? Large sums were, it is true, realised by the sale of confiscated estates. The disputed succession to the Egyptian throne may also have proved a source of income to the Roman treasury,

[1] Sall. *Hist.* i. 41, 11.

[2] Plin. *Hist. Nat.* xxxiii. 5. It is not easy for us to understand how Sulla during his Italian campaign could manage to leave this money untouched. We should think he would have employed every means at his disposal to secure a victory over his opponents, rather than save up such a handsome sum for the purpose of making a show of it after the victory gained. Money constituted then as now the sinews of war, and Sulla was wise enough to know that whatever he spent during the war was not lost to him, provided he prevailed in the end. The statement of Pliny, as it stands, is therefore very suspicious. It had indeed long been customary for victorious generals to exhibit to the gaping populace of Rome the masses of gold and silver gained in war. And Sulla must have wished to comply with this custom. Perhaps if he had spent the Asiatic spoils, it was possible for him to replace the sum from other sources. His confiscations after the war must have yielded large sums. Others may have been supplied by Murena, who, as we have seen, made a predatory expedition (p. 424), and, though he was in the end defeated by Mithridates, may have found means to secure his booty and to send some of it to Sulla. He celebrated a triumph in spite of his failure in the second Mithridatic war, and Sulla consented to this ill-deserved honour. Perhaps we may conjecture that the services rendered by Murena were of such a nature that Sulla could not refuse his consent.

for Alexander was made to pay for being made king.[1] But all these sources of income were accidental and transitory. It was necessary to open a perpetual supply to satisfy the never-ceasing wants of the state. The simplest means to accomplish this, we might fancy, would have been the reimposition of a direct tax on Roman citizens, such as had existed from the beginning of the republic, and had been raised whenever it was necessary. But this tax had been abolished at the time of the war with Perseus, and it seems that Sulla, after the lapse of eighty-five years, did not venture, even at the summit of his power, to re-establish it and to risk all the popularity he possessed. It had become an approved axiom that Roman citizens should not be taxed. To pay taxes was the distinguishing quality of subjects, and accordingly the subjects of Rome were called upon to defray the expenses of the government. In the theory of Roman public law the provinces were estates (prædia) of the people,[2] and their produce was destined for the benefit of the state. Sulla did not feel called upon to question this principle at a time when he had struggled so hard to restore the old supremacy of Rome. He therefore imposed fixed taxes on the allied and subject towns, without distinguishing between such as had fallen into the possession of Rome by right of war and were accordingly tributary by generally acknowledged law, and such other privileged communities as had from the first been voluntary allies and friends of the Roman people and had obtained special liberties and immunity from taxation in acknowledgment of essential services rendered.[3] The number of these latter was

[1] Below, p. 435. [2] Vol. iv. p. 198, n. 1.

[3] An illustration of the supreme contempt shown at this time by Rome for chartered rights is given by the treatment which Messana experienced at the hands of Pompeius. The people of Messana had in past times, especially in the first Punic war, rendered the most valuable services, and had been rewarded with extensive privileges which made the city an almost independent republic in perpetual alliance with Rome. When they now appealed to these charters, Pompeius exclaimed impatiently: 'Do you mean to go on reciting laws to us who have girded on the sword?' Plutarch, *Pomp.* 10.

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everywhere very great, and they were no doubt on the whole in a comparatively flourishing condition, and able to bear taxation, as they had not experienced the grinding tyranny of the provincial governors and collectors of the revenue. Some of them now lost their common land or the port-dues which had been secured to them by treaty. Even allied foreign princes were constrained to make payments which in reality did not differ from tribute.[1]

Control of the public income.

The order introduced into the management of the finances tended indirectly to raise the authority of the senate, which had grievously suffered by the reckless expenditure consequent upon the corn distributions of C. Gracchus, and by the interference of the tribunes in the disposal of the public revenue. During the civil wars the senate was entirely powerless in the control of the public money, of which the party leaders disposed for party purposes. Sulla's reform restored to the senate an old privilege as essential to the upholding of its dignity as to the public good.

Extent of Sulla's authority.

In the course of the years 81–80 B.C., Sulla devoted himself to his task with unflagging zeal and energy. Not only the huge work of a comprehensive constitutional reform rested on his shoulders, but in addition to this the government of a vast empire, the administration of numerous provinces, the diplomatic relations with all the independent states outside the Roman dominions. The civil troubles in Rome had during their long duration unsettled these relations in more than one direction. But the affairs of Asia were especially unsatisfactory and complicated. Mithridates was defeated and humbled, but by no means crushed. The potentates of Armenia, Cappadocia,

[1] Appian, *Bell. Civ.* i. 102: ἔθνη τε γὰρ πάντα καὶ βασιλεῖς ὅσοι σύμμαχοι καὶ πόλεις οὐχ ὅσαι μόνον ὑποτελεῖς ἀλλὰ καὶ ὅσαι ἑαυτὰς ἐγκεχειρίκεσαν ἐπὶ συνθήκαις ἕνορκοι, καὶ ὅσαι διὰ συμμαχίαν ἢ τινα ἀρετὴν ἄλλην αὐτόνομοί τε καὶ φόρων ἦσαν ἀτελεῖς, τότε πᾶσαι συντελεῖν ἐκελεύοντο καὶ ὑπακούειν· χώρας τε ἔνιαι καὶ λιμένων κατὰ συνθήκας σφίσι δεδομένων ἀφῃροῦντο. According to a passage in Plutarch (*Sullæ et Lysandri*, syner. 3), Sulla actually sold immunities for money. Whether this was one during the financial difficulties of the war, or at the time when he leisurely introduced his new principles of administration, we are not informed.

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Bithynia, a great number of smaller chiefs and independent or half-independent tribes, nay the king of the Parthians himself, had long been drawn within the sphere of the political influence of Rome, and the interests, plans, alliances, and jealousies of all these states were watched by her statesmen and guided in conformity with her requirements. Egypt also, which was fast drifting into anarchy, where the degenerate princes of the Ptolemæan house were employing treachery and murder to hasten their own downfall, prepared for the politicians of Rome a new and most difficult problem. They had to decide what was to be done with this magnificent country, which seemed unable to maintain its independence for any length of time, and which, if it were reduced to the condition of a Roman province, bade fair to become the means by which a man ambitious of despotic power might threaten the continuance of republican government in Rome.

Affairs of Egypt.

At that time there was residing at Rome a prince of the royal house of the Ptolemæi, called Alexander, who had been expelled from Egypt by his uncle Ptolemæus Soter II., surnamed Lathyrus, and had placed himself under the protection of the Romans with the hope of being placed by them on the Egyptian throne. Lathyrus had now been dead a few years, and the government was in the hands of his mother Cleopatra. The only surviving heirs to the throne were Berenice, a daughter of the deceased Lathyrus, and the prince Alexander living in Rome. To settle the contested succession it was resolved in Rome, with Sulla's sanction, that Alexander should marry his cousin and be declared the rightful heir to the kingdom. He was permitted to return to Egypt, but probably not before he had agreed to certain terms, and undertaken formal pledges, especially with reference to pecuniary acknowledgments, for the patronage he had received. The marriage took place; but a few days after its celebration the young king murdered his wife. New disputes broke out, and Alexander was slain in a street fight in Alexandria. Thus the hopes which Sulla may have

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entertained from the reign of the Roman client were disappointed.[1] Yet he secured the possession of a treasure which the late king had deposited in Tyre, and, as was alleged by the Romans, formally left to them in his will.[2]

Sulla's disregard of personal considerations, as shown in the instance of Ofella.

In the year 81 B.C., when a part of Sulla's labours for the reorganization of the republic was finished, and he was preparing to lay down his exceptional powers to make way for the regular consular government, an incident occurred which showed how free in his political acts and in the discharge of his duties Sulla was from all considerations of friendship and personal obligations. One of his most deserving officers, Q. Lucretius Ofella, formerly an adherent of the Marian party,[3] had been entrusted by him with the siege of Præneste, in which post he had shown ability and firmness. When the town surrendered he had sent to Sulla the head of the younger Marius as a sign and trophy of victory.[4] Ofella seems to have been elated with his success, and to have thought that his services were indispensable. Perhaps he was fired by the example of young Pompeius to give reins to his ambition. To a certain extent he had been encouraged to this by Sulla himself, who had given him a most important command when he was only a simple knight. He had the presumption now with one bound to leap into the highest republican office, and gave in his name as candidate for the consulship at the ensuing elections, without having first served as prætor or even as quæstor. It is probable that Sulla's law regulating the order in which the republican offices should be held in succession was already passed.[5] Sulla accordingly tried to dissuade Ofella from acting in direct opposition to his will. Ofella proved obstinate, fancying that Sulla would be weak enough to allow an exception in his favour. He seems to have had some following, and there were no doubt people enough

[1] Appian, *Bell. Civ.* i. 102: ἐλπίσας χρηματιεῖσθαι πολλὰ ἐκ βασιλείας πολυχρύσου.

[2] Appian, *Bell. Civ.* i. 102. This is another of those transparent lies about alleged testaments intended to cover an act of open robbery, vol. iv. p. 431.

[3] Velleius, ii. 27, 6. [4] Appian, *Bell. Civ.* 1, 94. [5] Above, p. 409.

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in Rome who would gladly embrace the opportunity for spiting Sulla. The canvassing proceeded, in defiance of Sulla's warning and even before his face, when one day he had taken his seat in his chair of office under the portico of the temple of Castor in the Roman forum. This was too much to be borne. Sulla was of a choleric temperament and liable to sudden bursts of passion, which occasionally suffused his pale face with purple, and made his keen blue eyes sparkle.[1] He sent one of his body-guard, the centurion Bellienus, with the order forthwith in the open forum to cut down the insolent Ofella. Since the days of Cincinnatus[2] no such deed had been attempted. The people called out for revenge, seized Bellienus, and, dragging him before the tribunal of the dictator, insisted that he should be tried and punished for the murder, of which they as yet did not know the real author. Sulla haughtily bade the crowd be silent, declaring that it was himself who had ordered the act, and that Ofella had deserved to suffer death. On this occasion he told the noble Quirites who stormed and howled about his seat the apologue of the countryman who whilst engaged in ploughing was troubled with vermin infesting his shirt, whereupon he twice took it off and cleaned it as well as he could, but when the vermin still continued to annoy him, he finally cast his shirt into the fire and burnt it to destroy the vermin. It was not difficult for the Romans to understand this warning. Sulla had twice taken Rome with force of arms and cleansed it of his enemies. If his patience were exhausted by a third insurrection against law and order, he might bethink himself of a radical remedy which would make all resistance for the future impossible.[3]

[1] Plutarch, *Sulla*, 2: *τὴν τῶν ὀμμάτων γλαυκότητα δεινῶς πικρὰν καὶ ἄκρατον οὖσαν ἡ χρόα τοῦ προσώπου φοβερωτέραν ἐποίει προσιδεῖν. Ἐξήνθει γὰρ τὸ ἐρύθημα τραχὺ καὶ σποράδην καταμεμιγμένον τῇ λευκότητι.* Seneca, *Epist.* ii. 3: Quidam nunquam magis quam cum erubuerint, timendi sunt. . . . . Sulla tunc erat violentissimus, cum faciem eius sanguis invaserat.

[2] Vol. i. p. 217.

[3] Appian, *Bell. Civ.* 1, 101. Liv. 89. Plutarch, *Sulla*, 33.

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His alleged partiality to Pompeius.

The unrelenting severity with which Sulla punished the audacity of Ofella appears almost as an act of caprice and passion, if we compare it with the indulgence, or rather weakness, exhibited in his treatment of Pompeius, a man from whose self-complacent arrogance he might have expected serious trouble and danger to his institutions. Pompeius had been flattered, fondled, and exalted by him far beyond his deserts; he had been entrusted with the most important military commissions even before he had been duly elected to any of the regular magistracies; he had, with the aid of a few theatrical tricks, succeeded in overcoming Sulla's objection to his triumphal entry into Rome after his African campaign.[1] It is reported that on this occasion he ventured on the arrogant expression that men naturally turned from the setting to the rising sun. On hearing this bragging Sulla is reported merely to have said 'Then let him triumph,' and patiently to have yielded to the young man's arrogance. Nay, it is added that he nourished his conceit by advancing to meet him on his approach, and formally saluting him as Pompeius 'the Great.'[2] If these stories are to be trusted, Sulla would appear to have been wanting in firmness, character, and consistency; it would seem that personal predilections and caprice weighed more with him than the conviction of what was necessary for the welfare of the state. In fact Sulla would appear in a different light from that in which he had hitherto shown himself. It may be that Sulla's character underwent a change towards the end of his life; but we cannot repress the suspicion that much in the reports about Pompeius is untrustworthy, and that in order to heighten his importance some facts and circumstances are suppressed which would explain and justify Sulla's apparent weakness.

Sulla's resignation of the dictatorship.

If Sulla displayed occasionally some indifference with regard to untoward events, we should not be very much surprised. He was a votary of fortune, which hitherto had always favoured him even in the most

[1] Above, p. 370. [2] Plutarch, *Sulla*, *Pomp.* 13, 14.

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doubtful and adventurous enterprises. Why should he continue in all emergencies to exert his own personal authority for directing the course of events, for rewarding or punishing, now that he had given the republic a constitution which was so organized that it did not require continual supervision and help from its author, but was intended to work independently? Towards the end of the year 80 B.C., in which year he had, besides the dictatorship, filled the office of consul, he declined re-election for the latter office, and then proceeded to take that step which took his contemporaries by surprise and has so much puzzled succeeding ages.[1] He voluntarily laid down the dictatorship, which had been conferred upon him for an unlimited period, and passed from the possession of uncontrolled power to the position of a private citizen. In a solemn assembly of the people he dismissed his lictors, and professed his readiness to answer for everything that he had done as dictator.[2] Shortly after this he left Rome, and retired to his country house between Cumæ and Puteoli in Campania.[3]

Explanation of the act.

Sulla's abdication, after all, was neither an act of folly nor a proof of superhuman magnanimity. It is true he had many enemies, who only feared him as long as

[1] Appian, *Bell. Civ.* 1, 133: *τὴν μεγάλην ἀρχὴν οὐδενὸς ἐνοχλοῦντος ἑκὼν ἀπέθετο. καί μοι θαῦμα μὲν καὶ τόδε αὐτοῦ καταφαίνεται, τοσήνδε ἀρχὴν πρῶτον ἀνδρῶν καὶ μόνον ἐς τότε Σύλλαν οὐδενὸς ἐπείγοντος ἀποθέσθαι, οὐ παισὶν ὡς Πτολεμαίοις ἐν Αἰγύπτῳ καὶ Ἀριοβαρζάνης ἐν Καππαδοκίᾳ καὶ Σέλευκος ἐν Συρίᾳ ἀλλ' αὐτοῖς τοῖς τυραννομένοις κ.τ.λ.* Drumann (*Geschichte Roms*, ii. p. 495) says Sulla's abdication has remained an inexplicable event and a mystery for all ages.

[2] Appian (*Bell. Civ.* 1, 104) relates on this occasion one of his silly anecdotes. When the crowd stood gaping with astonishment, unable to comprehend the dictator's magnanimous resolution, a young fellow (*μειράκιον*) stepped forward, heaped invectives on him, and, following him on his way home, never ceased reviling him until he entered his house. Sulla bore all this with equanimity, and at last expressed his opinion that the impudence of this fellow would probably prevent any future ruler in a similar position from following his example.

[3] Puteoli, formerly called Dicæarchia, was the port of Cumæ. Sulla's villa lay between the two towns, so that Appian speaks of it as situated near Cumæ, the other writers as near Dicæarchia or Puteoli, all referring to the same locality.

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he possessed the power to keep them in awe. In every part of Italy there must have been many who directly or indirectly had been ruined by him. His hands were red with the blood of thousands of slaughtered men, and he had not a single devoted friend, no enthusiastic band of adherents, no firmly organized party at his back. Yet he could venture without incurring serious risk to lay down the authority which shielded him from assault. Surely it was not confidence in the gratitude of the people, it was much rather contempt of its impotent displeasure, that animated him. He knew what was the terror of his mere name. But apart from that, he felt that he could eventually rely on the swords of the veterans, settled all over Italy, on the slaves whom he had enfranchised, or the owners of the confiscated estates of the proscribed. He knew that in case of need thousands would flock to his standard, and in any new passage of arms with his enemies he confided in his genius and in the continued favour of that goddess Fortuna who had hitherto so signally befriended him.

Probable motives of Sulla.

The extraordinary step that Sulla took in resigning his power and returning into private life would seem to have been prompted by extraordinary motives. At first sight it might appear that he yielded to a fit of misanthropy, that he was disgusted with the vanity of the political turmoil that surrounded him, and that, having tasted the sweets of absolute power to satiety, he felt them pall upon his senses. It has often happened that men in a position which enabled them to appreciate all the meanness and hypocrisy of men have given up in despair the hope of doing any good, and have retired from their labours with a settled scorn and contempt for mankind. But Sulla was not a man of this temper. He did not despair of amending the condition of his country. The energy with which he devoted himself to the task of remodelling the constitution, the interest he continued to show in public affairs even after he had retired from official life, are a sufficient proof that he was by no means

a pessimist, and that, when he gave up his power, it was not from a conviction that all that he had done had been done in vain, and that it was useless to persevere in a fruitless and hopeless task. Nor was it a collapse of physical or mental powers that compelled Sulla to seek health and repose in a private station. It is true he had almost reached the age of sixty, and he had never spared his body either in the hardships and privations of war or in the excess of physical indulgences to which from early youth he had been addicted. Nevertheless he enjoyed on the whole such excellent health that body and mind were still vigorous. His labours during the last few years sufficiently show that he was still far removed from the debility of old age.

Untenable theories accounting for his abdication.

On the other hand we cannot assent to the opinion that Sulla was determined by the desire 'once more freely to enjoy the pleasures of life.' This opinion, though uttered on high authority,[1] is not only without any foundation, but altogether senseless. It seems to proceed on the assumption that a man engaged in absorbing business, a statesman for instance, or a king, is debarred by his position from indulging in the pleasures thus indicated. History shows that such an assumption is unwarranted. It is unnecessary to cite examples of illustrious statesmen and warriors, in ancient and modern times, who in the full swing and excitement of public life found ample leisure for any enjoyment to which they were addicted. Or can it be supposed that Sulla would have scrupled to lead such a

[1] Zachariæ, *Sulla*, i. p. 158. This learned jurist, though on the whole not unjust to Sulla, like most of the historians who treat of his character, has in this instance failed to do him justice. He even contradicts himself by saying in another place (p. 159) that 'Sulla only ceased to be dictator in name, not in reality.' If so, how could his abdication make a difference in so far as the 'pleasures of life' were concerned? Zachariæ goes on to say that Sulla hoped by social enjoyment to while away the tediousness of age and solitude, perhaps also to 'obliterate the memory of the past.' How does such a surmise harmonize with the undoubted fact, that Sulla beguiled his leisure hours with writing his memoirs? It is altogether preposterous to think that Sulla had a troubled conscience and was suffering under a load of self-reproach. He was, on the contrary, well satisfied with what he had done, and persuaded that he had saved the republic.

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life as he liked in the publicity inseparable from a residence in the capital? Nothing perhaps is more unlikely than that a man who had never hesitated to proclaim his opinions and to act upon them, would now, when he could defy the censure of all the world, have slunk away from Rome and hid himself in Campania, because he was afraid of the gossip of the barbers' shops and taverns. If coarse sensuality had been his object, he might have indulged in it without laying down his office and without leaving the city.

The act explained by the principles guiding the public life of Sulla.

Upon a correct appreciation of Sulla's character and position his retirement into private life must cease to be inexplicable or even surprising. On the contrary it will appear that his natural course was to retire from the stage after he had played his part. His object had been not to establish a monarchy, but to restore the old aristocratic republic with the supremacy of the senate. He could therefore have no wish to destroy his own work by continuing to keep monarchical government in his own hands. Nor could he abdicate like other consuls or dictators, and simply subside into the rank of a senator or any subordinate function. The position he had occupied had been too high. It could not be forgotten that he had been the supreme arbiter of life and death for every citizen. There was no room for him in the ordinary machinery of the administration and government, in the debates of the senate or the routine of elections and law processes. For him there was no alternative between the highest place at the head of the state, and total retirement from all official connexion with state affairs. Having resolved not to remain the sole ruler of Rome with absolute power, he could not hesitate to choose complete retirement, and, as in every great crisis of his life, he was here also guided by cool judgment and a complete insight into the necessities of the case.

Probable intentions of Sulla with re-

Perhaps we may venture on the supposition that in retiring from the government Sulla had in view a special and direct object. His constitutional work, it is true, was

done, but it had not yet gone through the test of proof. This test could not be applied as long as its working was practically in the hands of the man who, as its author, was able at any time to supply its defects, and in fact to govern without it. If the new constitution was good for anything, it was necessary that it should be able to stand by itself. Sulla could not expect to live for ever; but if he now retired from the direct control of the government, at a time when he still enjoyed health and vigour, he might watch its working from a distance, and in case of necessity step in with his advice, authority, or command. He was justified in hoping that his life might be prolonged till his successors in office should be able to steer their course without further help. He did not withdraw from public life with a determination to shut himself up in privacy, and to take no further notice of what was going on in the world. On the contrary, he had his eye upon passing events.[1] We may be sure that nothing of importance escaped him, and he might from his villa in Campania have watched over his institutions until they had gained strength and had become consolidated by time, if his good fortune had continued to favour him by granting him five or ten years more to live.

Regard to the future.

Though from the moment of Sulla's retirement the course of events was no longer determined by him, our interest in him is not exhausted. We would fain follow with our eyes into private life a man whom we have hitherto seen at the head of the Roman legions, contending with powerful enemies foreign and internal, the man who first, since the commencement of the republic, had towered in gigantic proportions above the mass of his fellow-citizens, and in whose head and hand were concentrated the sovereign will and the executive power of the Roman people. In such a man the minute details of every-day life assume importance and rivet our attention. But un-

Life of Sulla after his retirement.

[1] Drumann, *Gesch. Roms.* ii. p. 495: 'Henceforward he intended to take only an indirect part in public affairs, except on occasions which might seem to require a direct interference of his iron hand.'

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fortunately the few facts that are recorded of Sulla after his resignation do not supply materials for a full and life-like picture. They are fragmentary and discoloured by party spirit, and only show that Sulla did not lead a life altogether unworthy of a noble Roman, of a man whose aims had been the highest that a statesman or soldier of his time could set to himself, and whose performances had been of the first order. It is not only unjust, it is absurd, to expect in a great statesman the virtues of a saint, and to revile him for follies or vices which pass unnoticed or are condoned in the case of the favourites of history. Voluptuousness, incontinence, sensuality, and self-indulgence of every kind, are vices unfortunately too common in high and low life, in great historical characters as well as in persons without a name. Sulla, it is true, was a voluptuary, not better, perhaps worse, than Alexander or Cæsar; but we have no doubt that he has been painted blacker than he was, for he had many enemies.[1] It is said that even in his old age he was incontinent, that he indulged to excess in the pleasures of the table, that he delighted in the company of low men and women, singers, dancers, and comedians. If he did so, he did what was the general practice of the time. But it was not the general practice of others to take a pleasure, like Sulla, in intellectual enjoyments also, to invite to their society scholars, poets, and artists. Sulla had a refined taste, a comprehensive knowledge of the literature and the whole culture of his time. His villa contained a collection of books. He was busy himself with literary pursuits, and wrote the history of his own time and actions, on which he worked to the end of his life, finishing, as is reported, the twenty-second book of his

[1] What Froude says of Julius Cæsar applies quite as well to Sulla: 'The disposition to believe evil of men who have risen a few degrees above their contemporaries is a feature of human nature as common as it is base; and when to envy there are added fear and hatred, malicious rumours spring up like mushrooms in a forcing-pit. But gossip is not evidence, nor does it become evidence because it is in Latin, and has been repeated through many generations.'

memoirs only a few days before his last illness. Such occupations are as incompatible with excessive indulgence in sensual pleasures as they are with a mind troubled with the pangs of conscience. In truth Sulla reviewed his past life not with self-reproach but with satisfaction. The victims of the civil war, whether slain in battle or in the course of the proscriptions, did not weigh more heavily on his conscience than the thousands of enemies he had killed on the battle-fields of Chæronea and Orchomenus.

Amusements of Sulla's country life.

Among the pleasures which varied Sulla's life in Campania we are agreeably surprised to notice hunting and fishing. If at his advanced age he could still derive satisfaction from these amusements, his health must have been very good, and it is hardly likely that he was overmuch addicted to the enervating enjoyments of the mere voluptuary. The Romans were never keen sportsmen. They seem to have looked upon the killing of game less as an amusement than as a toilsome trade. Latterly, however, they had caught the passion from the Greeks,[1] and it was, even in Sulla's time, probably a proof of Greek tastes and of an acquaintance with Greek life, if a man sacrificed his ease to the laborious pleasure of the chase.

Family life of Sulla.

We should have a wrong impression of Sulla's private life, if we overlooked the fact that he had a wife and children about him, and that his house therefore was the home of a family, not the haunt of boon companions alone, as we might be inclined to infer from Plutarch's gossiping report. With Cæcilia Metella, his fourth wife, Sulla had been united in enduring love, and with her he lived happily. She bore him a son who died in infancy, and after his victory she became the mother of twins, to whom, as we have seen, he gave the names of Faustus and Fausta.[2] During the festival which he celebrated in honour of Hercules,[3] Metella was so seriously ill that her death was hourly expected. The priests, as the expounders of the divine law, would not allow Sulla to see his dying wife, and ordained that, to prevent a desecration of the

[1] Vol. iv. p. 291. [2] Above, p. 428. [3] Above, p. 431.

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festival, she must not be allowed to die in the house nor as Sulla's wife. A letter of divorce was in all haste sent to her, and she was removed to another house in a dying state. After her death Sulla gave her a magnificent funeral, in which he went even beyond the limits permitted by his own sumptuary law. He thus showed that his apparent harshness had been imposed upon him through religious scruples alone. A few months later, on the occasion of a gladiatorial show, he fell in by chance with a coquettish young damsel called Valeria, who, passing by his chair on her way to her seat, came up so close that she could touch his garment, in hopes, as she said, that thereby she would to some extent participate in the good fortune emanating from him. Sulla noticed her extraordinary behaviour, and asked who she was. She took his fancy, and readily returned his friendly glances. In a short time she became his fifth wife. The levity with which Sulla soon after the death of his beloved Metella contracted a fifth marriage with a young lady of Valeria's easy temper was, it is true, not a heinous offence, but still it was an action hardly worthy of a man of Sulla's position and age. It drew upon him the censure of men who, though not in any way superior to him in morality and dignity of life, were safe from reproach in their obscurity. Uxoriousness does not sit well on a man of Sulla's age. Yet it may perhaps be urged in his favour, that a legitimate marriage, contracted by one who had all the venal beauty of Rome at his command, is some evidence that his house was not the scene of licentious prostitution.

Restoration of the temple of Jupiter Capitolinus.

Thus Sulla lived, far from the turmoil of political life, surrounded by his family and by numerous literary and artistic friends, in his secluded Campanian villa. Yet though retired from the seat of government and divested of official power, he was far from being indifferent to the course of public affairs. The man who had remodelled the constitution of the imperial republic did not think it below his dignity to draw up for his country neighbours, the people of Puteoli, the plan for a new municipal govern-

ment.[1] We may be sure that his leisure and his amusements were often interrupted by public business. In one matter we know that he was personally interested and zealously active, the restoration of the great temple of Jupiter Capitolinus, which was destroyed by fire 83 B.C., in the midst of the civil wars.[2] It was his great desire that his name should be recorded in the front of the new temple, for it was to be the symbol of the republic, restored as he fondly hoped by him to its pristine purity.

Alleged murder of Granius by Sulla.

This pleasure was denied him. At the end of his career, fortune, which had so long been constant, forsook him. He was already suffering from that illness which was to terminate in death, when he heard that Granius, the chief magistrate of Puteoli, had kept back a certain sum of money destined for the building of the new temple, in the expectation that in case of Sulla's death it need not be devoted to that object. In a fit of excessive rage Sulla immediately sent for Granius, and ordered him to be strangled before his eyes. This atrocious act must be set down simply as murder.[3] Sulla could not even plead zeal for a good cause, for the building of the temple was to him more a personal than a public matter, and besides, he had at the time no official authority, but was simply a private citizen. He showed by this act of unrestrained passion that he was still the same man who in the dark days of civil war had not scrupled to set aside the forms and the essence of justice, and to shed blood recklessly for what he considered the good of his country. He showed at the same time that, if he had abdicated the dictatorship, he had by no means laid aside the purpose of resum-

[1] Plutarch, *Sulla*, 37.

[2] Above, p. 352. Sulla's zeal for the restoration of the Capitoline temple is attested by the fact, that he ordered columns of the unfinished temple of the Olympian Zeus of Athens to be conveyed to Rome. Plin. *Hist. Nat.* xxxvi. 5.

[3] Provided it be certain that Granius was actually put to death. But Plutarch (*Sulla*, 37) says only that Sulla in a fit of passion gave the order, and Valerius Maximus (ix. 3, 8) does not even go so far. Both agree that Sulla in his rage and excitement ruptured a bloodvessel, which was the immediate cause of his death. Perhaps a threat that Granius ought to suffer death was interpreted into a distinct order.

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ing his authority if he should choose to do so, and that if he had lived longer the order which he had established was in no danger of being disturbed.

Death of Sulla.

But his time was running very short. He had scarcely been a year in Cumæ when he was seized by a deadly sickness and felt his end approaching. It is reported[1] that in a dream he saw the deceased son of his beloved wife Metella, and that the child bade him come and join his mother, and live again with her in happiness and joy. Sulla looked upon this dream as a solemn warning. He prepared for death, made his will, and took formal leave of his friends. It seems strange; but this man, whose hands were red with the blood of thousands of human victims, was able to face death with perfect calmness, and appears even to have had hopes of happiness beyond the grave.

Nature of his last illness.

It may be considered as evidence of the malignity with which the memory of Sulla was disfigured by subsequent writers, that the illness of which he died is stated to have been phthiriasis,[2] a disease supposed to consist in a spontaneous decay of the body, in which decomposition and vermin begin their work before the vital breath has departed. It has been charitably suggested that this was a divine judgment that visited Sulla and other equally detestable tyrants.[3] Reflections of this kind are the more absurd, as it is now generally admitted by scientific men that the disease phthiriasis exists only in the brains of credulous writers. It is certain that Sulla died in consequence of the rupture of a bloodvessel brought on by the

[1] Plutarch, *Sulla*, 37.

[2] Plin. *Hist. Nat.* viii. 14, xxvi. 86. Plutarch, *Sulla*, 36. Pausan. i. 20. Aurel. Victor, 75. Plinius, the oldest of these writers, is very bitter against Sulla. He blames him for assuming the name of Felix, and is of opinion that his victims should rather be called happy than he, since they had met with general sympathy, but he with universal detestation. In addition to this, he says Sulla's end was more terrible than theirs, 'erodente se ipso corpore et supplicia sibi gignente. Quod ut dissimulaverit, et supremo somnio eius, cui immortuus quodammodo est, credamus, ab uno illo invidiam gloria victam; hoc tamen, nempe felicitati suæ defuisse confessus est, quod Capitolium non dedicavisset.

[3] Herod and Philip II. of Spain are put on this list.

irritation he felt at the dishonesty of Granius. On the whole his health had been good through life, and even in his sixtieth year, during his residence in Campania, he was able, as we have seen, to indulge not only in the pleasures of the table and of society generally, but in outdoor exercise. This is in no way extraordinary in a man who had led such an active life as Sulla, and who, though inclined to excess in various ways, had not wasted his strength. His illness was apparently short, and not of such a painful character that he could look upon it as a proof of the fickleness of fortune.[1] He died before he had completed his sixtieth year, 78 B.C.

General feeling excited by his death.

The news of his death awakened throughout Italy, almost without exception, a feeling of deep and universal sorrow. We hear nothing of an outburst of pent-up joy, such as has been often manifested on the death of cruel tyrants by nations cowed into submission by fear. Not only his numerous friends, adherents, and clients, not only those thousands who owed to him their social position, their house and home, but the whole senate and people, knights, citizens, and peasants, the capital and all Italy, felt that a man had gone from them to whom the republic owed almost its existence and the hope of a prosperous future. It was in vain that the consul M. Æmilius Lepidus, whose morbid ambition unsupported by ability urged him to revive the civil broils, attempted to deprive the deceased dictator of the honour of a solemn public funeral. He found it necessary to yield to the unanimous desire of his colleague Q. Lutatius Catulus, of Pompeius, Lucullus, and the prevailing popular sentiment. The body was placed on a gilt bier, decked with all but royal pomp, and the insignia of the high office which the deceased had discharged. Thus it was carried in slow procession all the way from Campania to Rome. As it moved along the old soldiers put on their disused armour, and converging

[1] In the passage of Pliny quoted above (p. 448, n. 2), Sulla is reported to have complained only of one misfortune that had befallen him, his failing to complete and dedicate the temple of Jupiter.

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from all directions fell into rank and file, following their dead general like an army on the march. The people joined them in crowds, swelling the enormous train more and more as it approached the capital.

Funeral ceremonies for Sulla.

Never had living general celebrated so grand a triumphal entry into Rome as the dead Sulla. Before him were carried more than two thousand golden crowns, the honorary gifts of municipalities, legions, and individual citizens. The funeral procession was formed by all the priests and priestesses, the senate, the magistrates in their official robes, the whole equestrian body, and by the entire army with gilt standards and silvered arms marching to the sound of warlike horns and trumpets, lastly by an endless concourse of citizens. What a variety of conflicting feelings must have animated these varied masses! The unfeigned sorrow of some, the admiration and gratitude of others, the awe and terror of those who could not fully realise that he was in truth dead who had passed by them like a terrible scourge, and of those who still dreaded his veterans or entertained gloomy forebodings of new misfortunes impending. The body was deposited on the platform in the market-place, and the foremost orator of the time delivered the funeral speech, in place of the infant son. Then senators took the body upon their shoulders and bore it to be burnt on the Field of Mars, where up to this time none but kings had been buried.[1] The legions moved round the funeral pile in military order, as if they wished that whilst the body of their adored leader was crumbling into ashes, his spirit should once more pass them in review.[2]

Extended mourning of the Roman women.

No Roman had ever before been buried like Sulla. It seemed as if the people had been determined to show him after his death the royal honours which whilst living he had refused. We read with astonishment that the Roman

[1] According to Cicero (*De Legibus*, ii. 22) it was by the special orders of Sulla that his body was burnt, lest his bones, like those of Marius, might be taken out of the grave and insulted. We can hardly think that Sulla had any such apprehension, and if he had, would it not have occurred to him that his ashes were as much exposed to desecration as his bones?

[2] Appian, *Bell. Civ.* i. 105, 106.

matrons, lavish in their demonstrations of sorrow, continued mourning for him a whole year, as their ancestors had done for Brutus, the founder of Roman liberty. Were these demonstrations genuine or feigned? Had these women forgotten their grief for the thousands of victims which the inexorable sacrificer had slaughtered, or did they make an empty show of feelings to which in their hearts they were strangers from wretched fear of Sulla's satellites? It is not likely. We cannot think so meanly of the people of Rome. If they had been ever so much restrained by fear in their expressions of hatred to Sulla's memory, surely their silence and their coldness would have been a sufficiently clear declaration of their real feelings, and no imaginable tyranny could have forced them to an enthusiasm which they never felt. We can only think that the terrible days of the civil war and the proscriptions were so far forgotten or forgiven that the feeling of admiration for Sulla's greatness and of gratitude for the real benefits he had conferred prevailed.[1]

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This feeling will probably prevail in the end. We should not be doing justice to the greatest man whom Rome had so far produced, if we were to make him personally responsible for all the victims of that terrible conflict, in which he was the victorious leader of one contending party, but of which he was not the originator nor the only actor. Besides, one single human life sacrificed to the spirit of revenge, malice, or selfishness, weighs more heavily in the scale of morality than thousands sacrificed in a great cause the aim of which is the happiness of others. If Sulla had been actuated by a frantic, purposeless thirst of blood, or if he had been the slave of vulgar ambition, he would justly deserve the detestation of mankind. But of such an accusation he stands acquitted by the whole course of his life, and by the estimation of

Sulla as a ruler.

[1] Of course there must have been exceptions. Pliny, in the passage quoted above (p. 448, n. 2), speaks even of universal hatred (cum Sullam nemo non oderit). The same writer (*Hist. Nat.* xxii. 6) is loud in praise of Sertorius, and indirectly condemns Sulla.

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the vast majority of his fellow-citizens as expressed in the respect shown him after his death.

Severity of Sulla.

In judging of Sulla's character as displayed in his ruthless proscriptions we ought to avoid the mistake, too frequently made, of judging the past by the moral standard of the present time. To forgive one's enemies is a Christian virtue, which we are not entitled to expect of a man whose moral code, like that of his age, was entirely different, and taught him to retaliate the evil he had received, to punish his enemies and if necessary to crush them. It is true he fell short in moral elevation of Julius Cæsar, who had in him something of the quality of mercy, and pardoned enemies whom he might have killed. But the magnanimity of Cæsar was not appreciated by his contemporaries, and was requited with conspiracy and murder. Had he been more severe, he might have saved the Roman people from those terrible convulsions which were the immediate consequence of his assassination.

Comparison between Sulla and Cæsar.

But Sulla's work too, we are told, like Cæsar's, was of short duration. His death, like Cæsar's, was followed by new disorders in the state, and again blood was shed in torrents. This is true, and yet the inference drawn from the comparison is not correct. Both dictators, if they had lived long enough, would have been able to preserve peace and the institutions they had introduced. It was their premature death that gave the signal for new disorders. But whilst Sulla died a natural death which was not brought on by his political measures, Cæsar was the victim of a reaction which he had indirectly caused by his leniency. If he had been more severe, it would have been better for him and for Rome. Sulla, whom Cæsar is said to have looked upon as a tiro in politics, proved in the end to have been the wiser of the two, inasmuch as he took care that no conspirators should be able to raise their hands against him.

Services of Sulla to the Roman commonwealth.

It must be admitted that, after all, Sulla's reform, even if he had lived much longer, could not have remained intact. The time had arrived when the old republican

institutions could last no longer. The transformation of the state into a monarchy was inevitable. But it is mainly due to Sulla's military and political genius, that the vast structure of the Roman empire was preserved from dismemberment and decay, that it was internally consolidated and strengthened, so that it could undergo without risk the process of transformation. Sulla was the last of the great statesmen of Rome who honestly and sincerely served the republic and endeavoured to uphold the republican institutions, and he was the first who in spite of personal wishes was placed by the force of historical necessity in a position that made him in reality the monarch of Rome.

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